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## CHAPTER 30: CITY COUNCIL

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#### **GENERAL PROVISIONS**

#### **§ 30.01 COUNCIL MEMBERS; QUALIFICATIONS.**

(A) The Council shall consist of the Mayor and 2 Aldermen from each ward. The Council shall be judge of the election and qualification of its own members, and in case any vacancy shall occur in the office of Aldermen, by death, resignation, removal, or any other cause, such vacancy shall be filled by an election.

(1963 Code, § 1-7-1)

(B) No person shall be eligible to the office of Alderman unless he or she shall be a qualified elector and reside within the ward for which he or she was

elected, nor shall he or she be eligible if he or she is in arrears in the payment of tax or any other liability due to the city; nor shall he or she be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he or she be eligible if he or she shall have been convicted of malfeasance, bribery or corrupt practices or crime; nor shall he or she be eligible to any office the salary of which is payable out of the city treasury, if at the time of appointment he or she shall be a member of the Council; nor shall any member of the Council at the same time hold any other office under the city government; nor shall he or she be, either directly or indirectly, individually or as a member of a firm, engaged in any business transaction with the city, through its Mayor or any of its authorized boards, agents or attorney, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms; nor shall any member of the Council sign any bond in any case wherein the city is interested.

(1963 Code, § 1-7-2)

#### **§ 30.02 MEETINGS.**

(A) *Regular meetings.* The regular stated meetings of the Council shall be held in the Council rooms in the City Hall pursuant to the published calendar at the hour of 7:00 p.m., every 2 weeks, except when any such day shall happen to be a legal holiday, in which case the meetings shall be held on the day next following at the same hour.

(1963 Code, § 1-7-3) (Ord. 340, passed 5-6-1935; Am. Ord. 639, passed 6-4-1962)

(B) *Special meetings.* Special meetings of the Council may be called by the Mayor or by any 5 Aldermen, whenever in their discretion they deem it

necessary, in which event such meeting shall be called in the following manner: The Mayor, or the 5 Aldermen, as the case may be, shall file in the Clerk's office a statement in writing, setting forth the object and purpose of the special meeting and directing the Clerk to forthwith give notice of the same. Upon the filing of such statement the Clerk shall cause to be served personally upon each member of the Council or left at his or her usual place of business or abode, at least 48 hours before the time of such meeting, a notice of the special meeting, setting forth the object and purposes thereof, and the time of holding the same, which notices shall be served by some member of the police force. No business other than that mentioned in the call shall be transacted at a special meeting.

(1963 Code, § 1-7-4) (Ord. 340, passed 5-6-1935)

### **§ 30.03 QUORUM.**

(A) A majority of the Aldermen shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees.

(B) In case of the want of a quorum at any time of the Council, in case a majority of the members present, shall direct the Mayor or presiding officer shall direct any police officer to go out and arrest and bring in any and all absent members that can be found in the city, who are not unable through sickness to attend; and any member who purposely absents himself or herself from the city to avoid attending any meeting of the Council, or being in the city, conceals himself or herself from such officer, or refuses to be brought in when found, shall be deemed guilty of disorderly conduct, and be subject to a fine of \$25, and the Council may, with the concurrence of 2/3 of all the Aldermen elect, expel such member, in which event his or her seat shall be deemed vacant and be filled by an election as in other cases of vacancy.

(1963 Code, § 1-7-5)

### **§ 30.04 MEMBERS REQUIRED TO VOTE.**

(A) Every member of the Council shall vote on all questions in which that member is not directly or personally interested, which may be brought before the Council for its action in such a manner as to require a vote to be taken thereon, unless such member be excused by a vote of 2/3 of all other members present.

(B) The ayes and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of the proceedings; and the concurrence of a majority of all the members elected in the Council shall be necessary to the passage of any such ordinance or proposition; provided, it shall require 2/3 of all the Aldermen elect to sell any city property.

(1963 Code, § 1-7-6)

### **§ 30.05 PASSAGE OF ORDINANCE OVER VETO.**

(A) In case the Mayor shall veto any ordinance or any part of an ordinance and return the same to the Council, together with his or her objections thereto, the vote by which the same was passed shall be reconsidered by the Council; and, if after such reconsideration, 2/3 of all the members holding office shall agree by ayes and nays to pass the same, it shall go into effect, notwithstanding the disapproval of the Mayor. The vote to pass the same over the Mayor's veto shall be taken by ayes and nays, and entered on the journal.

(B) No vote of the Council shall be reconsidered or rescinded at any special meeting thereof, unless at such special meeting there shall be present as many Aldermen as were present when such vote was taken.

(1963 Code, § 1-7-7)

**§ 30.06 STANDING COMMITTEES.**

(A) It shall be the duty of the Mayor at the first regular meeting of the Council in the month of May of each year, or as soon thereafter as practicable, to appoint 15 standing committees of the City Council each to consist of up to 5 Aldermen, which committees shall be as follows:

- (1) A Committee on Finance.
- (2) A Committee on Police.
- (3) A Committee on Public Health.
- (4) A Committee on Streets, Alleys and Traffic.
- (5) A Committee on Fire.
- (6) A Committee on Economic Development.
- (7) A Committee on Grants.
- (8) A Committee on Water Works.
- (9) A Committee on Wastewater/Environmental.
- (10) A Committee on Lighting.
- (11) A Committee on Licenses.
- (12) An ESDA Committee.
- (13) A Committee on Public Grounds and Real Estate.
- (14) A Committee on City Improvements.
- (15) A Committee on Building Codes.

(B) Additionally, in the month of May of each year, or soon thereafter as practicable the Mayor shall appoint an alderman as a non-voting liaison to the following groups and/or entities:

- (1) Liaison Representative to the LaSalle Business Association;
- (2) Liaison Representative to Police and Fire Board;
- (3) Liaison Representative to Park Board;
- (4) Liaison Representative to Library Board;
- (5) Liaison Representative to Illinois Municipal League;
- (6) Liaison Representative to Peru Ambulance;
- (7) Liaison Representative to LaSalle Promotion and Advisory Committee.  
(1963 Code, § 1-7-8) (Ord. 1660, passed 5-3-1999)

**§ 30.07 DUTIES OF STANDING COMMITTEES.**

(A) It shall be the duty of the standing committees of the Council to keep a close watch over the affairs of their respective departments of the city government. They shall have the general management, control, and supervision of all works and things ordered to be made or done by the Council in their respective departments, and they shall make reports to the Council of whatever facts may be deemed of importance.

(B) Each committee whether standing or special shall properly inspect and report in writing upon all matters referred to it by the Council and do and perform such other and further duties as the Council may from time to time prescribe.  
(1963 Code, § 1-7-9) (Ord. passed 6-2-1914)

### § 30.08 COMMITTEE REPORTS.

(A) Every committee of the Council, in reporting upon any subject referred to it, shall attach to their report all papers or documents in the possession of the committee relative to the matters so referred.

(1963 Code, § 1-7-10)

(B) Any report of a committee of the Council shall be deferred, for final action thereon, to the next regular meeting of the Council after the report is made, upon the request of 2 Aldermen present.

(1963 Code, § 1-7-11)

### § 30.09 COMPENSATION.

The compensation of the Aldermen of the city shall be in an amount as established by ordinance from time to time.

## **PROMOTION AND ADVISORY GENERAL PROVISIONS**

### § 30.20 POLICY AND PROCEDURE.

It is the policy of the City of LaSalle to establish the procedure for the updating of the Advisory Committee. A change in name shall be from the Advisory Committee to the LaSalle Promotion and Advisory Council also known by the initials of LPAC. This subchapter is referred to as the Advisory Committee General Provisions Ordinance and is on this date updated to be known as the Promotion and Advisory General Provisions Ordinance. This subchapter may additionally be amended, updated and/or repealed as the Council may in the circumstances deem appropriate and in the best interests of the City of LaSalle.

(A) *Mission statement.* The mission of the LaSalle Promotion and Advisory Council is to celebrate and promote the City of LaSalle - its people,

resources and natural beauty and charm; to unite the residents, businesses and city officials of LaSalle to enhance our community.

(B) *Organizational goals.*

(1) To provide the city the opportunity to showcase the resources of the community and actively encourage the growth and development of the area to improve the local economy.

(2) To facilitate teamwork among the business community, community leadership and the citizenry to help promote community pride and spirit.

(3) To strengthen already successful events and to continue to expand the quality of the promotional endeavors so that they grow and keep pace with the times. Promotions must be allowed to continue to be a valuable marketing tool for the community.

(4) To provide local citizenry the opportunity to develop leadership within LPAC and offer them greater opportunity for ownership of the events.

(5) To promote tourism in the City of LaSalle as well as LaSalle County.  
(Ord. 1086, passed 6-17-1985; Am. Ord. 1087, passed 6-17-1985; Am. Ord. 1649, passed 10-19-1998)

### § 30.21 PROVISIONS PERTAINING TO LPAC.

The following provisions shall apply to the LaSalle Promotion and Advisory Council.

(A) *Advisory provisions.* LPAC shall endeavor to maintain the goals and abide by and to the mission statement to the extent reasonably possible listed above and the activities of LPAC are advisory only and the City Council shall not be bound by any

recommendation or advice received from the committee. The purpose of LPAC is as set forth above.

(B) *Fiscal year.* The fiscal year shall be from May 1 to April 30, inclusive.

(C) *Membership.* LPAC shall consist of 9 members to be appointed by the Mayor with the approval of the City Council. A member shall serve for 3-year terms each, provided that of individuals first selected, 3 shall serve for 1 year, 3 shall serve for 2 years, and 3 shall serve for 3 years, and thereafter, each member shall serve for 3 years. The first persons appointed to the Committees determine the length of the terms for each member of the Council by lot. Any vacancy occurring shall be filled for the remainder of the term in the same manner as original appointments. The terms will run from the date of passage of Ordinance 1649 (10-19-1998).

(D) *Officers.*

(1) The Mayor shall nominate subject to the approval of the City Council, 1 person to be known as the Executive Director to serve as coordinator for the LaSalle Promotion and Advisory Council. This Executive Director position shall be further subject to the following provisions:

(a) The person occupying the position of Executive Director shall be considered an agent of, but not an employee of, the city;

(b) The position shall be remunerative and the remuneration for the same shall be set annually by the City Council. In the absence of the compensation not being re-revised in any given year, the compensation shall remain the same as that of the previous year;

(c) The term of said position shall be 1 year except that the party occupying said position shall be automatically renewed for the subsequent year in the absence of being provided with a notice in writing at least 30 days prior to the commencement of any given fiscal year that said party will not be re-appointed to fill said position;

(d) The Executive Director position shall be a bonded position with the bond being in an amount equal to the annual budget of the LPAC. The cost of the bond shall be born by the City of La Salle.

(e) That additionally, notwithstanding anything set forth within divisions (1) through (5), the Executive Director may be terminated on 30-days' notice on motion of the Mayor provided the same is sustained by a majority of the then serving Aldermen of the City Council. Additionally, in the absence of any motion by the Mayor, the Aldermen may remove the Executive Director from office on motion provided that the same passes by at least a 2/3 vote of the members of the City Council, including the Mayor. Additionally, the Executive Director may resign upon providing 30-days' written notice, and in the event of any such resignation, a successor may be appointed by the Mayor subject to the approval of the City Council to fill out the unexpired portion of the 1-year term. In the event that termination for any reason of the Executive Director, the remuneration shall be pro-rated through the effective date of termination.

(2) Additionally, in reference to officers of the LPAC, 1 volunteer appointee shall be named Chairman by vote of the than existing LPAC Committee. Further, 1 volunteer appointee shall be named Secretary of the LPAC Committee by vote of the Committee. Other Chair positions shall be named by appointment of the Executive Director subject to the approval of the Mayor, as may be appropriate in the circumstances.

(E) *Business procedures.* The Executive Director shall initiate contract negotiations and business pertaining to the development of successful events and promotional events as may be appropriate in the circumstances according to the goals of LPAC and the direction of the Mayor, Executive Director and City Council of the City of LaSalle. However, any such contracts to be effective shall be approved by the City Council of the City of LaSalle. LPAC shall use its best reasonable efforts to promote and bring about a St. Patrick's Parade, LaSalle Fast and a Santa's Parade. Additional activities may be planned when deemed advisable and appropriate subject to the

approval of the City Council. The Executive Director shall maintain the LaSalle Promotion and Advisory Council monies subject to review by the Comptroller, the Mayor and the City Council. A checking account shall be kept in a timely and accurate manner. Checks may be signed by the Executive Director or the Chairman. However, checks may be written only in reference to expenses and payments authorized by the City Council of the City of La Salle.

(F) *Report.* The Executive Director shall provide a written report and a written financial report monthly to the Mayor and the City Council for their perusal. An annual financial and activity report shall be given to the Mayor and City Council at the end of each fiscal year along with the proposed projected activity and budget expectations for the next year. The Executive Director shall provide such additional reports as deemed necessary to inform the City Council of functions of LPAC, and also as the City Council may from time to time request. The financial records of LPAC shall also be subject to audit by the city's auditors.

(G) *Meetings.* The Executive Director may fix the time and frequency of the LPAC meetings. The meetings shall be open to the public and a notice of the meeting, with the agenda, shall be posted and filed in the same manner as notices of meetings of the City Council.

(H) *Excused absences.* If any member of LPAC misses 3 or more consecutive meetings without an excuse approved by the LaSalle Promotion and Advisory Council, the Executive Director shall declare a members position vacant and shall notify the Mayor and the Council that there is a vacancy to be filled by appointment. The member shall be notified.

(I) *Expenses.* The appointees and volunteers with the exception of the Executive Director shall receive no remuneration for their services, and shall receive no compensation for the time expended nor time lost from work. The members of the Council may be reimbursed for actual expenditures subject to receiving previous authorization from the Executive Director or Chairman for each expenditure and subject to the approval of the Mayor and City Council.

(J) *Budget.* The budget for the LPAC shall be set annually by the City Council of the City of LaSalle with the same to be allowed to be additionally supplemented from time to time with the profits of authorized events and donations (but solicitations in reference to donations shall only be as authorized by the City Council). The Executive Director and the Chairman will strive to maintain expenditures within the limits of the proposed and accepted budget. (Ord. 1086, passed 6-17-1985; Am. Ord. 1087, passed 6-17-1985; Am. Ord. 1649, passed 10-19-1998)

### **§ 30.22 INSURANCE AND LEGAL ADVICE.**

As an advisory arm to the City Council, the LPAC shall have available to it the opportunity to confer for legal counsel with the City Attorney of the City of LaSalle to the extent deemed necessary and appropriate in the circumstances. The City of LaSalle shall provide liability insurance coverage for events authorized by the City Council in amounts and coverages and to the extent deemed appropriate by the City Council. The Executive Director as an agent of the city shall be provided insurance under the coverage available to the city to the extent that said Executive Director's actions are within the scope of said agency. (Ord. 1649, passed 10-19-1998)

### **§ 30.23 REVIEW AND CONSIDERATION.**

At least once each year, the City Council shall review the effectiveness of the LaSalle Promotion and Advisory Council and shall determine whether LPAC shall be continued as it is, abolished, or continued in a changed form. The LPAC annual report may contain recommendations in this regard. (Ord. 1086, passed 6-17-1985; Am. Ord. 1649, passed 10-19-1998)



## CHAPTER 31: CITY OFFICIALS

### Section

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### **INDEMNIFICATION OF CERTAIN OFFICIALS**

#### **§ 31.001 OFFICIALS INDEMNIFIED FROM LIABILITIES.**

(A) To the fullest extent permitted by the Constitution of the State of Illinois of 1970 and applicable law, each of the following officials and employees of the city:

- (1) The Mayor;
- (2) Each member of the City Council;
- (3) The City Clerk and each deputy or acting City Clerk;
- (4) The City Treasurer;

- (5) The City Comptroller;
- (6) The City Attorney;
- (7) The Superintendent of Public Works;
- (8) The City Engineer;
- (9) The Building Inspector;
- (10) The Chief of Police;
- (11) The Chief of the City's Fire Department

(12) Each member of any board or commission of the city established pursuant to applicable law or by ordinance of the city.

shall be indemnified, defended and held harmless by the city from and against all liabilities, expenses of investigation, judgments and amounts paid in settlement which may be imposed upon or reasonably incurred or paid by such official or employee in connection with or resulting from any claim made against him or her, or any action, suit, proceeding or investigation in which he or she may be involved, by reason of his or her being or having been such official or such employee of the city, whether or not he or she continues to be such official or employee at the time of such claim, action, suit, proceeding or investigation.

(B) The foregoing rights of indemnification shall be in addition to any other rights to which such official or employee may otherwise be entitled as a matter of law.

(Ord. 926, passed 1-9-1978)

#### **§ 31.002 EXCEPTIONS.**

The foregoing indemnity set forth in § 31.001 shall not extend to any of the following:

(A) Any liability or cost with respect to any matter as to which such official or employee is finally adjudged to be guilty of bad faith, or actual malice, or willful and wanton misconduct in the performance of his or her duties as such official or employee;

(B) Any payment, expense or cost arising out of a settlement of any claim, action, suit or proceeding, unless:

(1) Such settlement shall be approved by the court having jurisdiction over such claim, action, suit or proceeding, with express knowledge of the existence of the indemnification provided hereby; or

(2) Such settlement shall have been made upon the written opinion of independent legal counsel selected by the City Council, to the effect that there is no reasonable ground for any finding of bad faith, or of actual malice, or willful and wanton misconduct on the part of such official or employee and that the anticipated cost of such settlement will not substantially exceed the estimated cost and expense of defending such claim, action, suit or proceeding to a final conclusion.

(C) Any liability or judgment payable to the city itself;

(D) The cost of independent legal representation in any such action, suit or proceeding if the city offers or otherwise indicates its willingness to provide a legal defense with respect to such claim, action, suit, proceeding or investigation.

(Ord. 926, passed 1-9-1978)

**MAYOR****§ 31.015 QUALIFICATIONS.**

The Mayor shall be the chief executive officer of the city. The Mayor shall be a citizen of the United States, a qualified elector, reside within the city limits, and shall hold the office for 4 years and until a successor is elected and qualified.

(1963 Code, § 1-6-1)

**§ 31.016 DUTIES.**

(A) The Mayor shall devote so much of his or her time to the duties of his or her office as a faithful and efficient discharge thereof may require. He or she shall take care that all the ordinances of the city are duly enforced, respected, and observed. He or she shall preside at all meetings of the Council, but shall not vote except in case of a tie, when he or she shall give the casting vote. He or she shall preserve order and decorum; and generally do and perform all acts, and things which are enjoined upon him or her by the laws of the state and the provisions of this code.

(1963 Code, § 1-6-2)

(B) The Mayor shall appoint, by and with the advice and consent of the Council, all officers of the city, whose appointments are not otherwise provided for by law; and whenever a vacancy shall occur in any office, which by law he or she is empowered and required to fill, he or she shall at the next regular meeting of the Council occurring not less than 5 days after such vacancy, communicate to the Council the name of the appointee to such office, and pending the concurrence of the Council in such appointment, the Mayor may designate some suitable person to discharge the functions of the office.

(1963 Code, § 1-6-6)

(C) The Mayor shall supervise the conduct of all the officers of the city, and see that they faithfully and efficiently discharge the duties of their respective offices; he or she shall inquire into all reasonable

complaints made against them, and cause all their neglects or violations of duty to be promptly corrected; and he or she shall, in case he or she becomes satisfied that any officer wilfully neglects or violates his or her duty, cause such officer to be prosecuted and punished; and he or she shall from time to time give the Council such information relative to the affairs of the city as he or she may deem proper, and recommend for their consideration, any measures that he or she may deem expedient, tending to the well-being, security, or improvement of the city.

(1963 Code, § 1-6-7)

(D) The Mayor shall have power to remove any officer appointed by him or her on any formal charge, whenever he or she shall be of the opinion that the interests of the city demand such removal; but he or she shall report the reasons for such removal to the Council at a meeting to be held not less than 5 days nor more than 10 days after such removal; and if the Mayor shall fail, or refuse to file with the Clerk a statement of the reasons for such removal, or if the Council, by a 2/3 vote of all its members, to be entered upon its record, disapprove of such removal, such officer shall thereupon be restored to the office from which he or she was so removed; but he or she shall give new bonds and take a new oath of office. No officer shall be removed a second time for the same offense.

(1963 Code, § 1-6-8)

(E) The Mayor shall carefully inspect all ordinances passed by the Council and affix his or her official signature to such as he or she may approve, and return them to the Clerk within 10 days after their passage; and all ordinances as passed aforesaid, which do not meet his or her approval, shall be returned to the Council with his or her objections thereto in writing at the next regular meeting of the Council, occurring not less than 5 days after the passage thereof. Such veto may extend to any 1 or more items or appropriations contained in any ordinance; or to the entire ordinance; and in case the veto only extends to a part of such ordinance the residue thereof shall take effect and be in force; but in case the Mayor shall fail

to return any ordinance with his or her objections thereto, by the time herein mentioned, he or she shall be deemed to have approved such ordinance, and the same shall take effect accordingly.  
(1963 Code, § 1-6-9)

(F) The Mayor shall sign all commissions, licenses, permits, and warrants granted, issued, or drawn by the order of the Council, or authorized by the provisions of this code. In all contracts where the city is a party, he or she shall sign the same on behalf of the city, and it shall be his or her special duty to see that the other contracting party faithfully complies with the contract, and in all suits where the city is a party, it shall be the duty of the Mayor to advise with and assist the Attorney in prosecuting or defending the same, as the case may be.  
(1963 Code, § 1-6-10)

(G) In addition to the foregoing duties, the Mayor shall perform such other and further duties pertaining to his or her office as are or may be required of him or her by the laws of the state or the provisions of this code.  
(1963 Code, § 1-6-11)

#### **§ 31.017 VACANCY.**

Whenever any vacancy shall happen in the office of Mayor, on account of death, resignation, removal from the limits of the city, or for any other cause, when the unexpired term shall be 1 year or over from the date of the vacancy, it shall be filled by an election, and the Clerk shall give notice of such election as required by law governing special elections; if such vacancy is less than 1 year, the Council shall elect 1 of its number to act as Mayor, who shall possess all the rights and powers of the Mayor until the next annual election, and until the successor is elected and qualified.  
(1963 Code, § 1-6-3)

#### **§ 31.018 BOND.**

The Mayor, before entering upon the duties of the office, shall execute a bond to the city in the penal sum of \$3,000, with such sureties as the Council shall approve, conditioned for the faithful performance of the duties of the office.  
(1963 Code, § 1-6-5)

#### **§ 31.019 COMPENSATION.**

The compensation of the Mayor of the city shall be an amount determined by the City Council by ordinance.  
(Ord. 881, passed 7-21-1976)

#### **§ 31.020 MAYOR PRO TEM.**

During a temporary absence or disability of the Mayor, the Council shall elect 1 of its number to act as Mayor Pro Tem, who, during such absence or disability shall possess the powers of the Mayor.  
(1963 Code, § 1-6-4)

### ***CLERK***

#### **§ 31.030 OATH AND BOND.**

The Clerk, before entering upon the duties of his or her office, shall take the oath prescribed for other city officers, shall execute a bond to the city in the penal sum of \$5,000, with such sureties as may be approved by the Council, conditioned for the faithful performance of the duties of his or her office, and the payment of all moneys that may be received by him or her, according to law; which bond shall be filed with the Treasurer.  
(1963 Code, § 1-8-1)

**§ 31.031 DUTIES AND POWERS.**

(A) *Minutes, notices.* The Clerk shall attend all meetings of the Council and shall keep in a suitable book, to be styled the Record of the Council, a full and faithful record of its proceedings. He or she shall issue and cause to be served upon all Aldermen, notices of all special meetings of the Council; also notices to the members of the different committees of that body, and to all other persons whose attendance may be required before any such committee, when so directed by the chairman thereof.

(1963 Code, § 1-8-3)

(B) *Certification of papers.* The Clerk shall keep the corporate seal, to be provided under the direction of the Council, and all papers belonging to the city; and copies of all papers duly filed in his or her office, and transcripts from the records and files of his or her office, certified by him or her under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

(1963 Code, § 1-8-4)

(C) *Recording of ordinances.* The Clerk shall within 30 days after their passage record and properly index in a book kept for that purpose, all ordinances passed by the Council, and at the foot of the record of each ordinance so recorded shall make a memorandum of the date of the passage and of the publication of such ordinance, which record and memorandum, or a certified copy thereof, shall be prima facie evidence of the passage and legal publication of such ordinance, for all purposes whatsoever.

(1963 Code, § 1-8-5)

(D) *Publication of ordinances.* The Clerk shall cause all ordinances passed by the Council imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, to be published once, within 30 days after their passage, in such public newspaper, printed in the city, as the Council shall designate, and shall file and preserve in his or her office 1 or more copies of the paper containing every ordinance so published.

(1963 Code, § 1-8-6)

(E) *Delivery of papers and documents.* The Clerk shall, without delay, upon the adjournment of each meeting of the Council, notify and upon demand shall deliver to the several committees of that body, and to the officers of the corporation, all petitions, communications, reports, resolutions, orders, claims, and other papers, referred to those committees or officers by the Council. The Clerk shall also, without delay, deliver to the Mayor all ordinances or resolutions, in the Clerk's charge, which may be required to be approved or otherwise be acted upon by the Mayor.

(1963 Code, § 1-8-7)

(F) *Preparation of official papers.* The Clerk shall prepare all commissions, licenses, permits, and other official documents required to be issued by him or her under the provisions of this code, and shall attest the same with the corporate seal; and he or she shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by the city.

(1963 Code, § 1-8-8)

(G) *Notices of election or appointment.* It shall be the duty of the Clerk, within 5 days after the result of the election is declared or appointment is made, to notify all persons elected or appointed to office of their election or appointment and unless such persons shall respectively qualify in 10 days after such notice, the office shall become vacant.

(1963 Code, § 1-8-10)

(H) *Record of elections and appointments.* The Clerk shall keep a record of the election or appointment and confirmation of all officers of the city, and the record shall be so ruled and headed that the same shall exhibit the name of the officer, to what office elected or appointed, the date of confirmation or election, the date of commission, and the date of death, resignation, removal, or expiration of the term of office, with a column for remarks.

(1963 Code, § 1-8-18)

(I) *Delivery of records to successor.* The Clerk shall carefully preserve in his or her office all books, records, papers, maps, and effects of every description, belonging to the city or appertaining to

his or her office, and not in the actual use and possession of other city officers, and upon the expiration in any way of his or her official term, he or she shall, on demand, deliver all such books, records, papers, and effects to his or her successor in office. (1963 Code, § 1-8-19)  
(Ord. 235, passed 6-25-1928)

### **§ 31.032 DEPUTY CLERK.**

The Clerk may, when necessary, and upon approval of the Mayor, appoint a Deputy, who, during the temporary absence or disability of the Clerk, shall be empowered to perform all the duties of the Clerk. (1963 Code, § 1-8-9)

### **§ 31.033 COMPENSATION.**

The compensation of the Clerk shall be an annual sum as established by ordinance from time to time. (Ord. 881, passed 7-21-1976; Am. Ord. 1342, passed 8-17-1992; Am. Ord. 1717, passed 9-18-2000)

## **COMPTROLLER**

### **§ 31.045 ESTABLISHED.**

The office of Comptroller is hereby established as an appointive office of the city, to be appointed by the Mayor, with the advice and consent of the City Council. (Ord. 1263, passed 8-20-1990)

### **§ 31.046 POWERS AND DUTIES.**

The powers and duties of the Comptroller shall be as follows:

#### *(A) Custody and maintenance of financial books.*

The right and responsibility for the custody and maintenance of the financial books and records of the city including, but not limited to the following:

- (1) General ledgers;
- (2) Cash receipts and journals;
- (3) Cash disbursements journals;
- (4) Purchases journals;
- (5) Payroll journals and records;
- (6) Revenue and sales journals;
- (7) Accounts receivables ledgers;
- (8) Accounts payables ledgers;
- (9) Customer deposit ledgers;
- (10) Bond ledgers.

*(B) Performance of duties.* The right, power and responsibility to perform, or cause to have performed the following duties:

- (1) Receipt and disbursement of city monies;
- (2) Receipt of invoices and bills of the city;
- (3) Distribution of invoices to department heads;
- (4) Receive time sheets from departments;
- (5) Prepare a summary of approved invoices, vouchers and payroll for submission to the finance committee, along with these invoices and vouchers for their approval and recommendations to the City Council for payment;
- (6) Prepare checks for items approved for payment by the City Council;
- (7) File all paid invoices and vouchers;

(8) Maintain copies of contracts, grants, and financial documents and keep records of their status and future cash requirements;

(9) Invoice city customers for services provided including, but not limited to water, sewer and garbage;

(10) Maintain records of bonded and long-term debt plan for their payment on due dates.

(11) Establish and maintain an internal accounting and administrative control system to safeguard the assets of the city.

(C) *Reports.* The right, power and duty to submit the following reports to the City Council:

(1) Monthly financial statements classifying revenue and expenditures by object and purpose including comparison with the annual appropriation and budget;

(2) Report cash and investment balances as requested by Council;

(3) Submit a report in May of each year estimating the money necessary to defray expenses of the city before the annual appropriations and budget ordinances are prepared;

(4) Other reports that the Mayor and Council may, from time to time, deem necessary.

(D) *Duties designated by City Council.* Such other duties as may, from time to time, be designated by City Council.

(E) *Appointment and compensation.*

(1) Notwithstanding anything else herein to the contrary, the rights, powers and duties transferred and/or conferred upon the Comptroller shall not be effective until a Comptroller has actually been appointed by the Mayor and confirmed by the City Council as set for above herein.

(2) The compensation of Comptroller shall be an amount determined by the City Council by ordinance.

(Ord. 1263, passed 8-20-1990)

(F) *Other miscellaneous duties and the like.* The Comptroller shall also:

(1) *General supervision.* The Comptroller shall exercise a general supervision over all the city officers charged in any manner with the receipt, collection, or disbursement of corporation revenues, and the collection and return of all such revenues into the city treasury. He or she shall have the charge, custody, and control of all deeds, leases, warrants, contracts, bonds, obligations, vouchers, books, and papers of every kind, the custody of which is not herein given to any other officers.

(1963 Code, § 1-8-11)

(2) *Record of bonds.* The Comptroller shall keep in his or her office, in a book kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and the amount of each, for and to whom the bonds are issued; and when any city bonds are purchased, or paid, or canceled, said book shall show the fact; and in his or her annual report he or she shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

(1963 Code, § 1-8-12)

(3) *Account of city revenue.* The Comptroller shall open and keep in a neat and methodical manner, a complete set of books in which shall be kept a detailed account of the city revenue, and of each separate fund crediting the same with all receipts or appropriations, and charging it with all warrants drawn thereon, and he or she shall charge each warrant to the fund or appropriation against which it was drawn. He or she shall also keep an accurate account of all debts due from or owing to the city, and shall keep a correct list of all notes or other obligations given by or payable to the city, with the date thereof, the person to whom or by whom payable, the rate of interest, the time and manner in

which the principal and interest are payable, and such other particulars as may be necessary to the full understanding thereof. The books, and all other contracts, bonds, deeds, warrants, vouchers, receipts and other papers kept in his or her office, shall be subject to the examination of the Mayor, the members of the Council or any committee.

(1963 Code, § 1-8-13)

(4) *Monthly report.* It shall be the duty of the Comptroller to make a report to the Council, at the first regular meeting in each month, of the exact condition of each fund or appropriation, setting forth the amount of each fund or appropriation, the total amount which has been used or expended thereof, and the balance, if any, which is subject to be used or drawn upon, and whenever any appropriation or fund is exhausted, the Comptroller shall, without delay, notify the Council thereof, and he or she shall not thereafter draw any warrant against such fund or appropriation until the same shall be renewed.

(1963 Code, § 1-8-14)

(5) *Audit of accounts.* The Comptroller shall revise and audit all accounts or claims allowed by the Council, and all other accounts in which the corporation is concerned, either as debtor or creditor, where provision for their adjustment is not otherwise made and provided for by law; and upon ascertaining the amount due to any person he or she shall draw his or her warrant in due form upon the Treasurer therefor. But if upon the examination of any such account or claim, he or she shall have reason to doubt its correctness, it shall be his or her duty to submit the same to the Finance Committee for its decision thereon, or else make report thereof to the Council.

(1963 Code, § 1-8-15)

(6) *Administering oaths to claimants.* In making adjustments and settlements, and for the purpose of ascertaining the true state of any balance or balances due, the Comptroller shall be authorized to require any claimant to file with him or her a statement, in writing, under oath, as to any fact, matter, or thing concerning the correctness of any account, claim, or demand presented against the city.

(1963 Code, § 1-8-16)

(7) *Warrant records.* The Comptroller shall keep, in a suitable book, an accurate list of all warrants drawn upon the Treasurer, showing the date, number and amount of each, and the name of the person in whose favor drawn; and he or she shall take the receipt of every person for the warrants upon the delivery thereof. All warrants drawn upon the Treasurer shall be signed by the Mayor, and countersigned by the Comptroller, and shall specify therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn. The Comptroller shall preserve all warrants returned to him or her.

(1963 Code, § 1-8-17)

(8) *Tax records.* The Comptroller shall keep a correct account between the city and the collector of taxes of real and personal property within the city, or any other person or officer authorized to collect delinquent taxes or other money due the city from any source, and such account shall be kept in such a manner that it will show at all times the full amount due the city from any source whatever.

(1963 Code, § 1-8-20)

(9) *Annual statement.* The Comptroller shall at the first regular meeting of the Council next following the close of the fiscal year make in writing to the Council a full statement of all the receipts and expenditures of the city for the previous year, the bonded indebtedness and other liabilities, and a summary of the delinquent taxes due the city and cause the same to be published in such newspaper as the Council may direct.

(1963 Code, § 1-8-21)

(10) *Additional duties.* The Comptroller shall, besides the other duties required herein, be the collector of special assessments, and as such shall perform such duties as are required under ILCS Ch. 65, Act 5, § 3-11-25.

(Ord. passed 4-3-1907)

(11) *Keeping of records; method; inspection.* The Treasurer shall keep his or her books and accounts in such manner as to show with entire



accuracy all moneys received and disbursed by him or her for the city, stating from whom and on what account received, and to whom and on what account paid out, and in such way that the books and accounts will exhibit at all times the true financial condition of the city, and in such manner as may be readily investigated and understood; and the same, together with all files and papers of the offices, shall be at all times open to examination by the Mayor, the Clerk, the Finance Committee or any member of the Council. (1963 Code, § 1-9-7)

#### **§ 31.047 DEPUTY COMPTROLLER.**

The Comptroller may, when necessary, and upon approval of the Mayor, appoint a deputy, who, during the temporary absence or disability of the Comptroller, shall be empowered to perform all of the duties of the Comptroller. (Ord. 1263, passed 8-20-1990)

#### **§ 31.048 OATH AND BOND.**

The Comptroller, before entering upon the duties of office, shall take the oath prescribed for other city officers, and shall execute a bond to the city in the sum of not less than the amount of the estimated taxes, special assessments, special taxes, license fees, and receipts of the city from all sources for the current year, with at least 2 good and sufficient sureties, to be approved by Council, conditioned for the faithful performance of the duties of office and the payment of all money received by him or her, according to law and the provisions of this subchapter. (Ord. 1263, passed 8-20-1990)

### **TREASURER**

#### **§ 31.065 OATH AND BOND.**

The Treasurer, before entering upon the duties of his or her office, shall take the oath prescribed for city officers and shall execute a bond to the city in the

penal sum of not less than the amount of the estimated taxes, special assessments, special taxes, license fees, and receipts of the city from all sources for the current year, with at least 2 good and sufficient sureties, to be approved by the Council, conditioned for the faithful performance of the duties of his or her office, and the payment of all money received by him or her, according to law and the provisions of this code. (1963 Code, § 1-9-1) (Ord. 4, passed 5-2-1921)

#### **§ 31.066 DUTIES.**

(A) *Receive monies; issue receipts.* The Treasurer shall receive all moneys belonging to the city, and shall keep a separate account of each fund or appropriation and debits and credits belonging thereto. He or she shall give to every person paying money into the city treasury a receipt therefor specifying the date of the payment and upon what account paid; and shall file copies of such receipts with the Comptroller at the date of his or her monthly report. (1963 Code, § 1-9-2)

(B) *Register of warrants.* The Treasurer shall keep an accurate rate register of all warrants redeemed and paid by him or her, showing the number, date, and amount of each, the fund from which paid, the name of the person to whom and when paid; and he or she shall cancel all warrants as soon as redeemed by him or her. (1963 Code, § 1-9-3)

(C) *Report of delinquent accounts.* It shall be the duty of the Treasurer to report to the Clerk any officer authorized to receive money for the use of the city who may fail to make a return of the moneys received by the officer at the time required by law, or by the provisions of this code. (1963 Code, § 1-9-6)

(D) *Monthly report.* The Treasurer shall, at the first regular meeting in each month, render an account, under oath, showing the state of the treasury at the date of such account, the condition of each appropriation, and the balance of money in the treasury. He or she shall also accompany such

accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him or her; which warrants, with any and all vouchers held by him or her, shall be delivered to the Clerk, and filed with his or her account in the Clerk's office upon the day of such settlement. He or she shall return all warrants paid by him or her stamped or marked paid.  
(1963 Code, § 1-9-8)

(E) *Annual statement.* The Treasurer shall annually at the first regular meeting of the Council next following the close of the fiscal year make out and file with the Clerk a full and detailed account of all the receipts and expenditures of the city, and of all his or her transactions as Treasurer during the preceding fiscal year, which statement shall exhibit, under separate and appropriate headings, the several accounts with the several funds or appropriations. It shall be the duty of the Comptroller to submit his or her counter financial report, together with the annual report of the Treasurer, to the Mayor and Finance Committee of the Council; and if the Mayor and the Council shall be satisfied that the Treasurer's report properly exhibits the true financial condition of the city, they shall return the same to the Clerk, who shall cause such report to be published in some newspaper published in the city.  
(1963 Code, § 1-9-9)

#### **§ 31.067 SPECIAL ASSESSMENT FUND.**

All moneys received by the Treasurer on any special assessment or special tax, shall be held by him or her as a special fund, to be applied to the payment of the improvement for which such special assessment or special tax was made, and the money shall be used for no other purpose whatever, except to reimburse the city for money expended for such improvement.  
(1963 Code, § 1-9-4)

#### **§ 31.068 PERSONAL USE OF CITY FUNDS PROHIBITED.**

The Treasurer shall keep all moneys in his or her hands belonging to the city separate and distinct from his or her own money, and he or she is hereby

expressly prohibited from using, either directly or indirectly, the city moneys or warrants in his or her custody or keeping for his or her own use and benefit, or that of any other person whomsoever; and any violation of this section shall subject him or her to removal from office by the Council.  
(1963 Code, § 1-9-5)

#### **§ 31.069 COMPENSATION.**

The compensation of the Treasurer shall be an annual sum as established by ordinance from time to time.  
(Ord. 881, passed 7-21-1976; Am. Ord. 1718, passed 9-18-2000)

### ***ATTORNEY***

#### **§ 31.080 GENERALLY.**

The City Attorney shall perform such functions as provided by law and shall further perform such duties and activities as the Mayor and the City Council may from time to time authorize and direct.

### ***SUPERINTENDENT OF PUBLIC WORKS***

#### **§ 31.095 CONSOLIDATION OF OFFICES.**

The Departments heretofore existing in the city known as the Department of Streets, the Department of Water and Light, the Department of Parks, and the Engineering Department, are hereby merged and consolidated into 1 Department to be known as the Department of Public Works; and the offices now and heretofore existing in the city known as the Superintendent of Streets, Superintendent of Water Works, Superintendent of Parks and Engineer, are

hereby abolished, and that in lieu thereof there is hereby created an office to be filled by an officer who shall be known as the Superintendent of Public Works.

(1963 Code, § 1-12-1)

#### **§ 31.096 APPOINTMENT.**

The Superintendent of Public Works shall be appointed annually by the Mayor and his or her appointment confirmed by the Council. He or she shall serve until removed by the Mayor or until the term in office of the Mayor shall expire.

(1963 Code, § 1-12-2)

#### **§ 31.097 DUTIES.**

(A) The Superintendent of Public Works shall be vested with all the power and authority and charged with the performance of all the duties now performed or pertaining to the offices abolished by § 31.095 of this chapter. In addition to that he or she shall perform all such duties as may from time to time be required by the Council or by the Mayor.

(B) He or she shall be in charge of and have control over all parks and parkways in the city, and all public places which are now or may hereafter be improved as parks or public playgrounds.

(Ord. passed 5-15-1917)

(C) He or she shall have charge of the improvement, repair and cleaning of all streets, alleys, and public grounds, and shall supervise the construction and repair of all sidewalks, but no improvement or repairs, except those actually necessary, shall be made without the previous order of the Council. The Superintendent shall, without delay, cause all breaks in any street, alley, crossing, ridge, culvert, apron, or other unsafe place to be repaired, and report the cost thereof to the Council for allowance; but when the probable cost of any repair shall exceed \$25, the same shall be made only with the concurrence of the Mayor and the Committee on Streets and Alleys.

(D) He or she shall cause all provisions of this code relating to streets, sidewalks, and public grounds to be enforced.

(E) He or she shall each spring cause the streets, alleys, and public grounds to be cleaned and the gutters opened, and shall, as far as is practicable, keep them in such condition throughout the year.

(F) He or she shall supervise all connections of private drains with the public sewers, and shall see that the same are made in such manner that no injury is done to the public sewers.

(G) He or she may procure the necessary implements for performing street labor, or materials for bridges, culverts, or crosswalks, but he or she shall make no purchase without making a written requisition to the chairman of the Committee on Streets and Alleys, and obtaining an order therefor. He or she shall cause all implements or tools belonging to the city to be legibly marked or branded with the letters City, and shall cause them to be properly housed and protected from the weather when not in use.

(H) He or she shall make and submit plans, estimates, and specifications for public works which may be proposed or ordered by the Council.

(I) He or she shall, when required by the Mayor or Council, superintend the construction of any public works of the city, and shall as often as may be necessary examine the public works under his or her supervision to see that the same is properly executed, and if the contractor shall neglect or refuse to execute the work in accordance with his or her contract and specification, the Superintendent may suspend the work, and shall thereupon report the facts to the Mayor and Council.

(J) He or she shall, when required, receive, inspect, or measure any lumber, brick, stone, or other material, to be used in any public work of the city, and if necessary shall keep an accurate account of the quantity or quality of the same, the cost thereof, from whom received and for what purpose used; and shall

examine all bills for materials so received in connection with the Department, and if found correct, shall certify to the Council for allowance.

(K) He or she shall, when required by the Council, make a survey of the grade or boundary of any street or alley of the city, and prepare a plat or profile thereof, and report the same to the Council; and no such survey shall be deemed established or valid until the plat or profile thereof shall be approved by the Council. Any plat, profile, or other paper belonging to the office of the Superintendent shall be returned to him or her by the Clerk as soon as the Council shall have no further use for the same.

(L) He or she shall, without charge, give or mark the grade of any street or alley, where established, at the request of any person desiring to erect any building, or to lay any sidewalk thereon.

(M) He or she shall keep in his or her office plats of all grades and boundaries of streets established by the Council, correcting the same when any grade shall be changed, and adding thereto when any new grade or boundary shall be established. He or she shall also keep correct surveys of all public sewers and water mains, showing the location, length, and dimensions of the same. He or she shall record in a suitable book, to be provided by the city, the profiles of all surveys of grades and boundaries established, and preserve the original papers relating thereto, and shall otherwise keep a systematic record of all the transactions pertaining to his or her office.

(N) The Superintendent of Public Works shall furnish all engineering services required by the Board of Local Improvements, or any official or employee thereof.

(1963 Code, § 1-12-3) (Ord. 237, passed 6-25-1928)

(O) The Superintendent shall annually, on or before the first Tuesday in April of each year, make out and submit to the Council a report, showing in detail the public works or improvements undertaken or completed in connection with his or her Department during the preceding fiscal year, and the cost thereof to the city.

(1963 Code, § 1-12-4)

(P) The Superintendent shall carefully preserve in his or her office, all plats and records of surveys, and all books, maps, and papers pertaining thereto; and a correct list of all implements, materials and other property in his or her charge, and upon the expiration of his or her term of office, or resignation or removal therefrom, he or she shall, on demand, deliver to his or her successor in office all such property belonging to the city or appertaining to his or her office.

(1963 Code, § 1-12-5)

### ***REGISTRAR OF VITAL STATISTICS***

#### **§ 31.110 REGISTRAR DESIGNATED.**

The Hygienic Institute located within the city shall be designated by the Registrar of Vital Statistics.

#### **§ 31.111 REPORTS AND RECORDS.**

(A) *Reports.* A report of all births, stillbirths, and deaths shall be made to the local Registrar of Vital Statistics, which report shall contain all information required by state law.

(B) *Records.* All records are to be kept by the Registrar at the Hygienic Institute in the city.

## CHAPTER 32: BOARDS, COMMISSIONS AND ORGANIZATIONS

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***EMERGENCY SERVICES  
AND DISASTER AGENCY***

**§ 32.001 ESTABLISHMENT.**

There is hereby created the city emergency services and disaster agency (ESDA) to prepare, mitigate, respond, and conduct recovery activities to handle any type of emergency or disaster situation, whether technological or natural, to minimize the loss and damage to life and property, in accordance with the State Emergency Management Act, being ILCS Ch. 20, Act 3305, §§ 1 *et seq.*  
(Ord. 1681, passed 9-20-1999)

**§ 32.002 COORDINATOR.**

(A) The Coordinator of the city ESDA shall be appointed by the Mayor, with the consent of the Council, and shall serve until removed by the Mayor or until the term in office of the Mayor who has appointed such Coordinator shall expire, whichever shall first occur.

(B) The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the ESDA, subject to the direction and control of the Mayor as provided by statute.

(C) In the event of the absence, resignation, death or inability to serve as the Coordinator, the Mayor, or any person designated by him or her, shall be and act as Coordinator until a new appointment is made as provided in this subchapter. (Ord. 1681, passed 9-20-1999)

**§ 32.003 FUNCTIONS.**

The city ESDA Coordinator shall perform such functions within the city as shall be prescribed in and by the state ESDA plan and shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasimunicipality entered into as provided in the State Emergency Management Agency Act (ILCS Ch. 20, Act 3305, §§ 1 *et seq.*)  
(Ord. 1681, passed 9-20-1999)

**§ 32.004 MOBILE SUPPORT TEAM.**

(A) All or any members of the city ESDA organization may be designated as members of a mobile support team created by the director of the state ESDA as provided by law. The leader of such mobile support team shall be designated by the Coordinator of the city ESDA organization.

(B) Any member of a mobile support team who is a city employee or officer while serving on call to duty by the governor or the state director shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the city, while so serving, shall receive from the state reasonable compensation as provided by law.

(Ord. 1681, passed 9-20-1999)





**§ 32.005 MUTUAL AID AGREEMENTS.**

The coordinator of ESDA may negotiate mutual aid agreements with other cities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the Mayor and by the state director of ESDA.  
(Ord. 1681, passed 9-20-1999)

**§ 32.006 COMPENSATION.**

Members of the ESDA who are paid employees or officers of the city, if called for training by the state director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held. Members who are not such city employees or officers shall receive such training time and such compensation as may be established by the Mayor.  
(Ord. 1681, passed 9-20-1999)

**§ 32.007 REIMBURSEMENT BY STATE.**

The state treasurer may receive and allocate to the appropriate fund any reimbursement by the state to the city for expenses incident to training members of the ESDA, as prescribed by the state director of ESDA, compensation for services and expenses of members of a mobile support team while serving outside the city in response to a call by the governor or state director of ESDA, as provided by law, and any other reimbursement made by the state incident to ESDA activities as provided by law.  
(Ord. 1681, passed 9-20-1999)

**§ 32.008 PURCHASES AND EXPENDITURES.**

The Mayor may on recommendation of the city Coordinator of ESDA, authorize any purchase of contracts necessary to place the city in a position to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from manmade or natural disaster.  
(Ord. 1681, passed 9-20-1999)

**§ 32.009 OFFICE SPACE.**

The Mayor is authorized to designate space in a city building, or elsewhere, as may be provided for by the city for the city as its office.  
(Ord. 1681, passed 9-20-1999)

**§ 32.010 OATH.**

Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the Illinois Emergency Management Agency or an emergency services and disaster agency, shall, before entering upon his or her duties, take an oath, in writing, before the Director or before the Coordinator of that emergency services and disaster agency or before other persons authorized to administer oaths in this State, which oath shall be filed with the Director or with the Coordinator of the emergency services and disaster agency with which he or she shall serve and which oath shall be substantially as follows:

“I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the (name of the

political subdivision), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence.”

(Ord. 1681, passed 9-20-1999)

### ***FIRE INSURANCE BOARD***

#### **§ 32.020 CREATION.**

In accordance with the ILCS Ch. 65, § 11-10-2 there shall be established a Board known as the Foreign Fire Insurance Board.  
(Ord. 1667, passed 6-28-1999)

#### **§ 32.021 OFFICERS.**

The officers of the Foreign Fire Insurance Board shall be President, Vice President, Secretary/Treasurer, and 1 trustee and shall be elected from and by the members of the LaSalle Fire Department to serve a 1-year term. Commencing with fiscal year beginning May 1, 2000, and thereafter, the election of officers shall take place in the month of May. The Chief of the Fire Department shall be an ex-officio nonvoting member, unless otherwise elected to the Board, at an election held in accordance with the provisions of this subchapter. Nonetheless, as an ex-officio non-voting member, the Fire Chief shall have the right to participate in all open or closed session discussions regarding the activities of this Board, including, but not being limited to, the management of foreign fire insurance tax forms, preparation of annual budgets or any other matters within the scope of the powers, duties and responsibilities of the Board, and notice of any regular or special meeting in the same manner given to any other member of the Board.  
(Ord. 1667, passed 6-28-1999)

#### **§ 32.022 RULES.**

The Foreign Fire Insurance Board shall be empowered to adopt needful rules and regulations for the efficient and effective management of the monies received by the Treasurer.  
(Ord. 1667, passed 6-28-1999)

#### **§ 32.023 TREASURER BOND.**

The Treasurer of the Foreign Fire Insurance Board shall give a sufficient bond to the city. This bond shall be approved by the Mayor.  
(Ord. 1667, passed 6-28-1999)

#### **§ 32.024 LICENSE REQUIRED FOR TRANSACTION OF BUSINESS OF FIRE INSURANCE; FEE.**

(A) It shall be unlawful for any corporation or association, not incorporated under the laws of the State of Illinois, to engage in effecting fire insurance, or to transact any business of fire insurance in the city while not in full compliance with all of the requirements of this subchapter; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be undertaken in violation of this subchapter.

(B) Any corporation, company or association not incorporated under the laws of the State of Illinois, which is engaged in the city in effecting fire insurance, shall pay to the Comptroller for the maintenance, use and benefit of the Fire Department, a sum of money equal in amount to 2% per annum of the gross receipts received for premiums by any and all agents of any such corporation, company or any and all agents of any such corporation, company or association during the year ending on every first day of July, for any insurance effected or agreed to be effected in the city by or with any such corporation, company or association during such year.  
(Ord. 1667, passed 6-28-1999)

**§ 32.025 REPORTS.**

Every such corporation, company or association as aforesaid, doing business in the city, or any person acting as agent for or on behalf of any such corporation, company or association, shall, on or before July 15 of each year, render to the Comptroller, a full, true and just account, verified by the oath of the secretary or treasurer of such corporation, company or association or verified by the oath of such person acting as agent for or on behalf of any such corporation, company or association or verified by the oath of such person acting as agent for or on behalf of any such corporation, company or association or any such person acting as agent as aforesaid, shall also at the time of rendering the report, pay to the Comptroller the sum of money for which such corporation, company or association is chargeable, by virtue of the provisions of this subchapter.  
(Ord. 1667, passed 6-28-1999)

**§ 32.026 RECOVERY OF MONEY; DEPOSIT OF RECEIPTS.**

(A) The sum of money for which such corporation, company or association is so chargeable, may be recovered of it, or its agent or agents, by an action in the name of and for the use of the city, as for money had and received.

(B) Nothing in this section shall be held to exempt any person, corporation, company or association from indictment and conviction under the provisions of Illinois Municipal Code, being ILCS Ch. 65, Act 5.

(C) The Municipal Treasurer shall pay upon receipt the sums received pursuant to ILCS Ch. 65, Act 5, §§ 11-10-1 and 11-10-2 to the Treasurer of the Foreign Fire Insurance Board.  
(Ord. 1667, passed 6-28-1999)

**§ 32.027 COMPANIES IN DEFAULT.**

No insurance broker or agent in the city shall place any insurance with any company, association or corporation not incorporated under the laws of this state, which shall be in default for not reporting or making payment as hereinbefore provided.  
(Ord. 1667, passed 6-28-1999)

**§ 32.028 DISBURSEMENT OF FUNDS.**

All monies disbursed by the Foreign Fire Insurance Board shall be approved by the majority vote of the Board and all checks disbursed by the Board shall be signed by the Treasurer and the President of the Foreign Fire Insurance Board. All members of the Fire Department will be given opportunity to express their views as to how the monies should be disbursed, but the Board shall make all final decisions on disbursements of monies from the fund.  
(Ord. 1667, passed 6-28-1999)

***PLAN COMMISSION*****§ 32.040 PURPOSE; AUTHORITY.**

In order that adequate provisions be made for the preparation of a comprehensive city plan for the guidance, direction, and control of the growth and development of the city, a Plan Commission, which shall be a department of the city government, is hereby created under authority of ILCS Ch. 65, Act 5, §§ 11-12-4 *et seq.*  
(1963 Code, § 2-3-1) (Ord. 481, passed 11-15-1948)

**§ 32.041 MEMBERSHIP.**

The Plan Commission shall consist of the following: Chairperson and 12 other members, citizens of the city. The Chairperson and the 12

other members of the Plan Commission shall be appointed by the Mayor, subject to the approval of the Council. Henceforth, neither elected city officials nor city employees, nor officials of the city appointed to other city positions shall be members of the Plan Commission.

(1963 Code, § 2-3-2) (Ord. 1259, passed 6-25-1990)

#### **§ 32.042 TERM OF OFFICE.**

The Chairperson and the other 12 members shall be appointed for terms of 4 years, but shall be subject to removal as provided by law, including that set forth within chapter 24, section 3-11-1 of the 1989 revised Statutes of the State of Illinois. All members of the Plan Commission shall serve without compensation.

(1963 Code, § 2-3-3) (Ord. 1259, passed 6-25-1990)

#### **§ 32.043 ORGANIZATION.**

The Chairperson of the Plan Commission shall preside at all meetings of the Plan Commission. The Commission may elect such officers as it may deem necessary, and adopt and later change or alter rules and regulations of organization and procedure consistent with city and state laws. The Commission shall keep written records of its proceedings which shall at all times be open for public inspection. The Commission shall also file an annual report with the Council, setting forth its transactions and recommendations.

(1963 Code, § 2-3-4) (Ord. 535, passed 3-1-1954)

#### **§ 32.044 POWERS AND DUTIES.**

The Plan Commission shall have the following powers and duties:

(A) (1) To prepare and recommend to the Council a comprehensive plan of public improvements, looking to the present and future

development and growth of the city. Such a plan, after its adoption by the Council, will be known as the Official Plan of the City.

(2) The Plan shall include reasonable requirements in reference to streets, alleys, and public grounds within the corporate limits and in contiguous territory outside of and distant not more than 1½ miles from such limits, and not included in any municipality, such requirements to be effective whenever such lands shall be subdivided after the adoption of the Plan.

(B) To prepare and recommend to the Council from time to time such changes in the plan as may be deemed necessary by the Council or by the Plan Commission.

(C) To prepare and recommend to the Council from time to time, plans and recommendations for specific improvements in pursuance of the Official Plan.

(D) To give aid to the officials of the city, charged with the direction of projects for improvements embraced within the Official Plan, to further the making of such improvements, and generally to promote the realization of the Official Plan.

(E) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

(F) To exercise such other powers germane to the powers granted by this subchapter as may be conferred by the Council.  
(1963 Code, § 2-3-5)

#### **§ 32.045 LAND SUBDIVISION OR RESUBDIVISION.**

Following the adoption of an Official Plan in the manner prescribed in this subchapter, no map or plat of any subdivision or resubdivision presented for record, affecting land within the city, or in

contiguous territory outside of and distant not more than 1½ miles from its limits and not included in the city, shall be entitled to record or shall be valid unless the subdivision thereon shall provide for streets, alleys, and public grounds in conformity with any requirements applicable thereto of the Official Plan.

(1963 Code, § 2-3-6)

#### **§ 32.046 IMPROVEMENTS.**

The Clerk shall furnish the Plan Commission for its consideration a copy of all ordinances, plans and data relative to public improvements of any nature. The Plan Commission may report in relation thereto if it deems a report necessary or advisable, for the consideration of the Council.

(1963 Code, § 2-3-7)

#### **§ 32.047 EXPENDITURES.**

The Commission may, at the discretion of the Council, employ necessary help whose salaries, wages, and other necessary expenses shall be provided for by adequate appropriation made by the Council from the public funds. If the Plan Commission shall deem it advisable to secure technical advice or service, it may be done upon authority from the Council and appropriations by the Council therefore.

(1963 Code, § 2-3-8) (Ord. 481, passed 11-15-1948)

### ***RECREATION BOARD***

#### **§ 32.060 CREATION.**

There hereby is created for the city a Recreation Board of 5 persons, to be appointed by the Mayor with the consent of the City Council. The Board must serve without compensation of any kind or nature. The Council delegate to said Recreation

Board, shall not have the right to vote and shall attend merely in his or her capacity as representative from said Council. All such Board members shall be appointed for a term of 5 years, except that the members of the Board first appointed under this subchapter shall be appointed for such terms, that the term of 1 member shall expire annually thereafter. If a vacancy occurs in the office of any Board member, the Mayor shall appoint a successor to serve for the unexpired term. Immediately after the initial appointment under this subchapter, the Board so chosen by the Mayor and approved by the City Council shall meet and organize by electing 1 of their members chairperson and such other officers as they may deem necessary. For purposes of the initial appointment hereunder and to insure compliance with the State Statutes in such case made and provided, the Mayor upon appointment of the 5 members shall designate the number of years they shall serve.

(Ord. 856, passed 11-4-1974)

#### **§ 32.061 POWERS AND DUTIES.**

That said Board be vested, and hereby is vested, with the control and management of all existing parks, playgrounds and public recreation centers, together with all such hereafter acquired, and shall direct the equipment, maintenance and conduct thereof, and shall make suitable rules and regulations for the proper and orderly direction and management of the same. Said Board members shall have power to conduct programs in playgrounds and recreation centers and in buildings located thereon, and may, for the better carrying out of the purposes for which this subchapter is adopted, employ such supervisors, playground leaders, and other employees, as they may deem proper, and shall have power to furnish and control such equipment and supplies as they may deem proper. The control and management of Pulaski Park shall rest with the Recreation Board, and they shall have all authority over said Park as specified in this section.

(Ord. 856, passed 11-4-1974)

**§ 32.062 EXPENDITURES.**

The Board shall have authority to expend such moneys as shall be provided for these purposes by the City Council; that the Board may also solicit or receive any gifts or bequests of money or other personal property or any donation, to be applied, principal or income, for either temporary or permanent use for playground and other recreational purposes; provided, however, that the total expenditure of tax moneys shall not exceed the annual sums appropriated and levied therefore by the City Council of said city.

(Ord. 856, passed 11-4-1974)

**§ 32.063 TAX LEVY; FUND ESTABLISHED.**

(A) There hereby is authorized and established and hereafter shall be maintained, as provided for by an Act of the General Assembly of the State of Illinois entitled An Act to provide for the acquisition, equipment, conduct and maintenance of public playgrounds and recreation centers in and by cities, towns and villages of less than 150,000 inhabitants, approved June 24, 1921, as amended, a fund for the equipment, conduct and maintenance of public playgrounds and recreation centers in the said city and that for the establishment of such fund there shall be, and hereby is, levied an annual tax of not to exceed 9 mills on each dollar of assessed valuation of all taxable property within the corporate limits of said city.

(B) That the amounts realized from the levy and collection of the tax provided for in division (A) above of this section shall be placed in a special fund to be denominated Recreation Fund, and shall be expended by said Board in the equipment, operation and maintenance of such playgrounds and recreation centers, said fund to be disbursed under the direction of said Board and to be paid out upon warrants drawn upon the City Treasurer by such Board, signed by its chairman and 1 other officer or employee; but such expenditures so made in any 1 year shall not exceed the amount annually provided for unless such excess be donated or otherwise

contributed, the right being hereby conferred upon such Board to receive and expend upon and for such playgrounds and recreation centers any voluntary donations made therefore.

(Ord. 856, passed 11-4-1974)

**§ 32.064 MONTHLY REPORTS.**

Every month said Recreation Board shall make and submit a report to the City Council of the expenditures and the receipts from revenue showing any credit or deficit in said report.

(Ord. 856, passed 11-4-1974)

***ZONING BOARD OF APPEALS*****§ 32.075 BOARD OF APPEALS CREATED.**

There is hereby created a Zoning Board of Appeals for the city, which consists of 11 members, including a Chairperson to be appointed by the Mayor with the consent of the Council.

(1963 Code, § 2-1-1) (Ord. 586, passed 2-3-1958)

**§ 32.076 DUTIES.**

The Zoning Board of Appeals shall study the zoning questions in the city and shall prepare a report and suggested ordinance for the regulation of the heights of buildings and structures, setback lines or building lines, the intensity of the use of lot areas, the location of trades and industries and buildings designated for industrial business, residential or other uses, and dividing the city into various use, height, and other districts for the purpose of establishing and enforcing adequate and proper zoning regulations.

(1963 Code, § 2-1-2) (Ord. 586, passed 2-3-1958)

**§ 32.077 MEETINGS.**

The Zoning Board of Appeals shall meet at such times as may be determined by it, and special meetings of the Board of Appeals may be held upon call by the Chairperson, or of any 3 members thereof.

(1963 Code, § 2-1-3) (Ord. 586, passed 2-3-1958)

**§ 32.078 PUBLIC HEARING; NOTICE.**

After the preparation of a tentative report and ordinance, the Zoning Board of Appeals shall hold a public hearing thereon, public notice of which hearing shall be published in a newspaper not more than 30 nor less than 15 days prior thereto, and such notice shall state the place where copies of the tentative ordinance are available for examination.

(1963 Code, § 2-1-4) (Ord. 586, passed 2-3-1958)

**§ 32.079 SUBMISSION OF ZONING PLAN TO COUNCIL.**

Within 30 days after the final adjournment of its hearing, the Zoning Board of Appeals shall make a report and submit a proposed ordinance to the Council, which thereupon may enact the proposed ordinance with or without change, or may refer it back to the Zoning Board of Appeals for further study.

(1963 Code, § 2-1-5) (Ord. 586, passed 2-3-1958)

***POLICE PENSION BOARD*****§ 32.090 POLICE PENSION ACT ADOPTED.**

The city hereby adopts the Police Pension Act of the State, the title of which Act is as follows: An Act to provide for the setting apart, formation and disbursements of a police pension fund in cities, villages and incorporated towns in the State of Illinois having a population of not less than 5,000

and not more than 200,000 inhabitants. (Approved June 14, 1909, enforced July 1, 1909), and all amendments thereto, now appearing as Division B of Article 10 of Chapter 24, Illinois Statutes.

(1963 Code, § 2-6-1)

**§ 32.091 MEMBERS; TERMS.**

A board composed of 5 members, residents of the city, shall be chosen as provided for by Chapter 24, Section 10-85, of the Act known as the Police Pension Fund, described in § 32.090 of this subchapter. Two trustees of the Board shall be appointed by the Mayor, the third and fourth trustee shall be elected from the regular police force by the active members thereof, and the fifth trustee shall be elected by the beneficiaries of the fund. Members of the Board shall be elected for a term of 2 years; it being the intention that the Board of Trustees shall be organized, elected and appointed as provided by state law.

(1963 Code, § 2-6-2)

**§ 32.092 POWERS AND DUTIES; PENSION FUND.**

(A) The Pension Board in the award and payment of pensions and in the discharge of their rights and duties shall have the powers and requirements delegated to it by state law relating to the Police Pension Fund, and all amendments thereto, which are hereby adopted by the city.

(1963 Code, § 2-6-3)

(B) The pension fund shall consist of such amounts as may be appropriated or assigned thereto in the manner provided by law.

(1963 Code, § 2-6-4) (Ord. 447, passed 7-1-1946)

**BOARD OF HEALTH****§ 32.105 BOARD CREATED; MEMBERS.**

There is hereby created a Board of Health which shall consist of 3 members, as follows: The Health Commissioner acting in and for the city, when appointed by the Mayor by and with the consent of the Council; the Commissioner of Public Health and Safety, when appointed by the Mayor by and with the consent of the Council; and the Chief of Police when appointed by the Mayor by and with the consent of the Council.

(1963 Code, § 2-7-1) (Ord. 55, passed 8-7-1922)

**§ 32.106 DUTIES.**

(A) The Hygiene Institute shall give the Mayor and other city authorities all such professional advice and information as they may require with a view to the preservation of the public health and the Health Commissioner shall make a detailed monthly report of the proceedings of the Hygiene Institute and it shall be the duty of the Board to investigate the existence of any malignant, contagious or pestilential disease and adopt measures to arrest the progress of such diseases.

(1963 Code, § 2-7-2)

(B) It shall be the duty of the Hygiene Institute to enforce all the laws of the state and provisions of this code in relation to the health and sanitary regulations of the city and cause all nuisances to be abated with all reasonable promptness, and for the purpose of carrying out the foregoing requirements the Hygiene Institute or any officer designated by the Hygiene Institute shall be permitted at all times from the rising to the setting of the sun to enter into any house, store, stable, or other building and to cause the floor to be raised if it shall be deemed necessary in order that a thorough examination of the cellar, vaults, sinks, drains, and the entire premises shall be made; and to cause all privies or vaults to be cleaned

and kept in good condition; and to cause all dead animals and other nauseous things or unwholesome substances to be buried, removed, or disposed of as directed by the authorities of the Board.

(1963 Code, § 2-7-3) (Ord. passed 4-21-1914)

**§ 32.107 SERVING OF NOTICES.**

In order to carry out the provisions of the foregoing section, it is hereby made the duty of the Health Commissioner to serve or cause to be served a notice in writing upon the owner or occupant of any lot, building, or premises in or upon which any nuisance may be found or who may be the owner of or cause of any such nuisance requiring that the nuisance shall be abated in such manner as the Hygiene Institute shall prescribe, within reasonable time. The notice and all other notices pertaining to the Hygiene Institute shall be delivered to the Sanitary Officer or any police officer of the city to serve and it is hereby made the duty of the Sanitary Officer and the members of the Police Department to serve any and all notices which may be delivered to them by the Hygiene Institute. If the owner or occupant shall neglect or refuse to comply with the requirements of the notice within the time specified, the owner or occupant shall be guilty of a misdemeanor and subject to the general penalty provided by this code, and it shall be the duty of the Sanitary Officer or any police officer to proceed at once upon the expiration of the time specified in the notice to cause the nuisance to be abated.

(1963 Code, § 2-7-4) (Ord. passed 4-21-1914)

**§ 32.108 ANNUAL REPORT.**

The Health Commissioner shall annually on or before the first day of May make to the Council a full and comprehensive statement of all matters pertaining to the Hygiene Institute during the year and of all expenditures against the city made during such year. The Hygiene Institute shall receive no compensation from the city for their services.

(1963 Code, § 2-7-5) (Ord. passed 4-21-1914)



**LIBRARY BOARD****§ 32.120 LIBRARY BOARD CREATED; MEMBERS.**

(A) The Mayor, with the approval of the Council, shall appoint a Board of 9 directors for the Library and Reading Room to be chosen from the citizens of the city at large, with reference to their fitness for such office; and not more than 1 member of the Council shall be at any 1 time a member of the Library Board.

(B) The directors so appointed and approved as aforesaid, shall hold office, from the first day of July next following their appointment, and at their first regular meeting the trustees shall cast lots for the respective terms of their office, and annually thereafter the Mayor shall, before the first day of May of each year, appoint 3 directors, to take the place of the retiring directors who shall hold their office for 3 years, and until their successors are appointed. The Mayor may, by and with the consent of the Council, remove any director for misconduct or neglect of duty.

(1963 Code, § 2-8-2) (Ord. passed 3-10-1904)

**§ 32.121 VACANCIES, ORGANIZATION, DUTIES.**

(A) Vacancies in the Board of Directors, occasioned by removals, resignation, or otherwise, shall be reported to the Council, and be filled in like manner as original appointments and no Director shall receive compensation as such.

(1963 Code, § 2-8-3)

(B) The Directors shall, immediately after appointment, meet and organize by the election of one of their number President, and by the election of such other officers as they may deem necessary. They shall make and adopt such bylaws, rules and regulations for their own guidance and for the government of the Library and Reading Room as may be expedient, not inconsistent with this

subchapter. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the Library Fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set aside for that purpose; provided, that all moneys received for the library shall be deposited in the treasury to the credit of the Library Fund, and shall be kept separate and apart from other moneys of the city, and drawn upon by the proper officers of the city, upon the properly authenticated vouchers of the Library Board. The Board shall have power to purchase or lease grounds to occupy, lease or erect an appropriate building for the use of the library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of The Illinois Local Library Act, ILCS Ch. 75, Act 5, §§ 1-0.1 *et seq.* in establishing and maintaining a Public Library and Reading Room.

(1963 Code, § 2-8-4) (Ord. passed 3-10-1904)

**§ 32.122 ANNUAL REPORT.**

The Board shall make, on or before the second Monday in June, an annual report to the Council, stating the condition of their trust on the first day of June of that year, the various sums of money received from the Library Fund and from other sources, and how such moneys have been expended, and for what purposes, the number of books and periodicals on hand, the number added by purchase, gift or otherwise, during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books; with such other statistics, information and suggestions as they may deem of general interest. All such portions of the report as relate to the receipt and expenditures of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit.

(1963 Code, § 2-8-6) (Ord. passed 3-10-1904)

**§ 32.123 LIBRARY ESTABLISHED;  
LIBRARY TO REMAIN FREE.**

(A) There is hereby established, and there shall hereafter be maintained, a Public Library and Reading Room for the use and benefit of the inhabitants of the city; and for the establishment and maintenance of the Public Library and Reading Room, there shall be levied an annual tax of 2 mills on the dollar of all of the taxable property in the city.

(1963 Code, § 2-8-1)

(B) The Public Library established by this chapter, shall be forever free to the use of the inhabitants of the city, always subject to such reasonable rules and regulations as the Library Board may adopt, in order to render the use of the Public Library of the greatest benefit to the greatest number; and the Board may exclude from the use of the Public Library any and all persons who shall wilfully violate such rules. The Board may extend the privileges and use of the Library to persons residing outside of the city in this state, upon such terms and conditions as the Board may from time to time by its regulations prescribe.

(1963 Code, § 2-8-5) (Ord. passed 3-10-1904)

**§ 32.124 DONATIONS TO LIBRARY.**

Any person desiring to make donations of money, personal property or real estate for the benefit of the library, shall have the right to vest the title to the money or real estate so donated in the Board of Directors created under this subchapter, to be held and controlled by such Board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and as to such property the Board shall be held and considered to be special trustees.

(1963 Code, § 2-8-7) (Ord. passed 3-10-1904)

**§ 32.125 INJURY TO LIBRARY PROPERTY.**

If any person shall injure, or destroy, or fail to return any book belonging to the Public Library and Reading Room, in accordance with the rules of the Library Board, the person so injuring or destroying or failing to return said book, shall be deemed guilty of a misdemeanor, and upon conviction thereof, the person shall be debarred from further using any of the books of the library.

(1963 Code, § 2-8-11) (Ord. passed 3-10-1904)

Penalty, see § 10.99

***HERITAGE CORRIDOR CONVENTION  
AND VISITOR'S BUREAU*****§ 32.140 HERITAGE CORRIDOR  
CONVENTION AND VISITOR'S BUREAU.**

The city recognizes the Heritage Corridor Convention and Visitor's Bureau as an agency to promote convention and tourism business for LaSalle, Illinois.

(Res. 200604, passed 2-27-2006)

***MISCELLANEOUS*****§ 32.150 PARTICIPATION IN NATURAL  
HAZARDS MITIGATION PLAN.**

The city participates in the development of a FEMA approved Natural Hazards Mitigation Plan. The city will have at least 1 representative participate in at least 3 meetings during the development of the Natural Hazards Mitigation Plan.

(Res. 200603, passed 2-27-2006)

**§ 32.151 ILLINOIS MUNICIPAL LEAGUE  
RISK MANAGEMENT ASSOCIATION.**

(A) The city does authorize and approve membership in the Illinois Municipal League Risk Management Association and directs the Mayor and Clerk to execute an intergovernmental cooperation contract with the Illinois Municipal League Risk Management Association for membership on an annual basis and each year thereafter unless this section is repealed.

(B) Each member hereby agrees to contribute to the Association a sum of money to be determined by the Association at the time of its annual renewal based on the needs of the Association and the loss experienced of the member, which sum shall constitute the cost of the member's contribution for membership in the Association.  
(Ord. 1836, passed 3-29-2004)

***PARK DEVELOPMENT COMMITTEE*****§ 32.160 ESTABLISHMENT.**

The city does hereby establish a committee to be known as the "LaSalle Park Development Committee".  
(Ord. 2178, passed 6-29-2009)

**§ 32.161 PURPOSE AND MISSION.**

The purpose and mission of the Park Development Committee shall be to promote the acquisition and development of additional park and recreation facilities for the city with the goals of the Committee to include the following:

(A) Providing additional park and recreation facilities and equipment for the city and the public in general.

(B) Providing and promoting the esthetic well being of the citizens of the city and the public in general.

(C) Assisting in the seeking of funding, whether by way of private funding and/or public funding, including, but not limited to, grants to assist the acquisition and development of additional city parks and recreation facilities.

(D) To perform such other activities as may be requested from time to time by the Mayor and/or the City Council to assist in the purposes of this organization.  
(Ord. 2178, passed 6-29-2009)

**§ 32.162 ORGANIZATION; MEMBERSHIP.**

Organizational provisions related to the development of the Park Development Committee shall include the following:

(A) *Advisory capacity of Committee.* The Park Development Committee shall endeavor to maintain the purposes and goals set forth within the recitals of Ordinance Number 2178, passed June 29, 2009 and within § 32.161 to the extent reasonably possible and the activities of the Park Development Committee are advisory only and the City Council shall not be bound by any recommendation or advice received from the Committee.

(B) *Fiscal year.* The fiscal year shall be from May 1 to April 30, inclusive.

(C) *Membership.* The Park Development Committee shall consist of 15 official voting members to be appointed by the Mayor with the approval of the City Council. A member shall serve for 3-year terms each, provided that of individuals first selected, 5 shall serve for 1 year each, 5 shall serve for 2 years, and 5 shall serve for 3 years, and thereafter, each Committee member shall serve for 3 years. The first persons appointed to the Committees shall determine the length of the terms for each official member of the Committee by lot. Any vacancy occurring shall be filled for the remainder of the term in the same manner as original appointments. The terms will run from June 29, 2009.

(Ord. 2178, passed 6-29-2009)

### § 32.163 OFFICERS.

The officers of the Park Development Committee shall include the following. The Mayor shall nominate, subject to the approval of the City Council, 1 person to be known as Chairman, 1 person to be known as Secretary, and 1 person to be known as Treasurer of the Park Development Committee. The positions of Chairman, Secretary, and Treasurer shall be subject to the following provisions.

(A) *Chairman.* In reference to Chairman, the following provisions shall apply:

(1) The person occupying the position of Chairman shall be considered an agent of, but not an employee of, the city.

(2) The position shall be non-remunerative.

(3) The term of said position shall be 1 year, except that the party occupying said position shall be automatically renewed for the subsequent year, in the absence of being provided with a notice in writing of at least 30 days prior to the commence of any given fiscal year, that said party will not be reappointed to fill said position.

(4) The Chairman shall be a bonded position with the bond being an amount equal to the balance existing in any bank account of the Park Development Committee as of the commencement of a fiscal year or in the initial term at the time of formation of the official Committee.

(5) Additionally, notwithstanding anything else set forth within this subchapter, the Chairman may be terminated on 30 days notice on motion of the Mayor provided that the same is sustained by a majority of the then serving Aldermen of the City Council. Additionally, in the absence of any motion by the Mayor, Aldermen may remove the Chairman on motion provided that the same passes by at least a 2/3 vote of the members of the City Council, including the Mayor. Additionally, the Chairman may resign upon 30 days written notice and in the

event of any such resignation, a successor may be appointed by the Mayor subject to the approval of the City Council to fill out the unexpired portion of the 1 year.

(B) *Secretary.* The following shall apply in reference to the Secretary:

(1) The Secretary shall keep the minutes of the meetings, which shall be conducted in accord with the Open Meetings Act of the State of Illinois and shall further keep the general records of the Committee.

(2) The position of Secretary shall be a bonded position with the amount of the bond to be equal to the funds existing within the account of the Park Development Committee at the commencement of any fiscal year.

(3) The term and position of Secretary shall be non-remunerative and the term of said position shall be 1 year, except that the party occupying said position shall be automatically renewed for the subsequent year in the absence of being provided with a notice in writing at least 30 days prior to the commence of any given fiscal year, that said party will not be reappointed to fill said position.

(4) Additionally, notwithstanding anything else set forth within this subchapter, the Secretary may be terminated on 30 days notice on motion of the Mayor provided that the same is sustained by a majority of the then serving Aldermen of the City Council. Additionally, in the absence of any motion by the Mayor, Aldermen may remove the Secretary on motion provided that the same passes by at least a 2/3 vote of the members of the City Council, including the Mayor. Additionally, the Secretary may resign upon 30 days written notice and in the event of any such resignation, a successor may be appointed by the Mayor subject to the approval of the City Council to fill out the unexpired portion of the 1 year.

(C) *Treasurer.* The following shall apply in reference to the Treasurer:

(1) The Treasurer shall keep the financial books, ledgers, and all financial records of the Committee.

(2) The position of Treasurer shall be a bonded position with the amount of the bond to be equal to the funds existing within the account of the Park Development Committee at the commencement of any fiscal year.

(3) The term and position of Treasurer shall be non-remunerative and the term of said position shall be 1 year, except that the party occupying said position shall be automatically renewed for the subsequent year in the absence of being provided with a notice in writing at least 30 days prior to the commence of any given fiscal year, that said party will not be reappointed to fill said position.

(4) Additionally, notwithstanding anything else set forth within this subchapter, the Treasurer may be terminated on 30 days notice on motion of the Mayor provided that the same is sustained by a majority of the then serving Aldermen of the City Council. Additionally, in the absence of any motion by the Mayor, Aldermen may remove the Treasurer on motion provided that the same passes by at least a 2/3 vote of the members of the City Council, including the Mayor. Additionally, the Treasurer may resign upon 30 days written notice and in the event of any such resignation, a successor may be appointed by the Mayor subject to the approval of the City Council to fill out the unexpired portion of the 1 year.

(Ord. 2178, passed 6-29-2009)

#### § 32.164 ADDITIONAL PROVISIONS.

(A) *Official and ex-officio members.* It is further provided that there shall be at least 1 member of the City Council and 1 member of the Recreation Board, also known as the Park Board, that are official Committee members of the Park Development Committee. Additionally, the Park Development Committee shall have the authority by

a majority vote of that Committee to name such ex-officio non-voting members of the Committee as the Committee may from time to time deem appropriate in furtherance of its goals, except that there should not be more than 5 ex-officio members at any given time without the approval of the City Council. It is further provided that 1 of said ex-officio members shall be the Mayor then in office.

(B) *Further procedures of the Committee.* Minutes shall be kept in reference to all Committee meetings which, as provided above, shall be in accord with the Open Meetings Act of the State of Illinois as the same may be from time to time amended. Additionally, the Chairman, Secretary, and Treasurer of the Park Development Committee shall provide a written report, including, but not being limited to, a written financial report to the Mayor and the City Council at least quarterly for their perusal. Further, an annual financial and activity report shall be provided to the Mayor and the City Council at the end of each fiscal year along with the proposed projected activity for the next fiscal year. The Chairman, Secretary, and Treasurer shall provide such additional reports as deemed necessary and appropriate in the circumstances to inform the City Council of the functions of the Park Development Committee and also as the City Council may from time to time request. The financial records of the Park Development Committee shall also be subject to audit by the city's Auditor.

(C) *Meetings.* The Park Development Committee shall determine by majority vote the time and frequency of the Park Development Committee meetings. The meetings shall be open to the public and a notice of the meeting with the agenda shall be posted and published in accord with the Open Meetings Act of the State of Illinois.

(D) *Excused absence.* In the event that a Park Development Committee member should miss 5 or more consecutive meetings without an excuse approved by the Park Development Committee, the Chairman shall declare a member's position vacant

and shall notify the Mayor and the Council that there is a vacancy to be filled by appointment. The member shall be notified.

(E) *Expenses.* The appointees and volunteers of the Park Development Committee shall receive no remuneration for their services and shall receive no compensation for the time expended or lost from work. The members of the Park Development Committee may be reimbursed for actual expenditures provided that the expenditures are approved by the City Council.

(F) *Funding.* It is hoped that the funding for the Park Development Committee shall be from sources independent of the City Council. The City Council may from time to time provide such funding as determined appropriate and necessary in furtherance of the goals of the Park Development Committee by a concurrence of a majority of the City Council.  
(Ord. 2178, passed 6-29-2009)

#### **§ 32.165 INSURANCE AND LEGAL ADVICE.**

As an advisory arm to the City Council, the Park Development Committee shall have available to it the opportunity to confer for legal counsel with the City Attorney to the extent deemed necessary and appropriate in the circumstances. The city shall provide liability and insurance coverage for any events authorized by the City Council if any should be so authorized in amounts and coverages and to the extent deemed appropriate by the City Council. The Chairman, Secretary, and Treasurer as agents of the city shall be provided insurance under the coverage available to the city to the extent that said Chairman, Secretary, and Treasurer's actions are within the scope of said agency on behalf of the city.  
(Ord. 2178, passed 6-29-2009)

#### **§ 32.166 INVALIDITY.**

In the event that any provision or part of a provision of this subchapter shall be declared

invalid, the invalidity of any such provision should not effect the remainder of this subchapter.  
(Ord. 2178, passed 6-29-2009)

#### **§ 32.167 AMENDMENT.**

This subchapter may be amended from time to time as the City Council deems appropriate in the circumstances, including, but not limited to, the right to terminate in its entirety the Committee provided that any termination of the Committee shall be on not less than 90 days notice to the Chairman, Secretary, and Treasurer of the Committee.  
(Ord. 2178, passed 6-29-2009)

## CHAPTER 33: POLICE AND FIRE DEPARTMENTS

### Section

#### *General Provisions*

- 33.01 Board of Fire and Police  
Commissioners to appoint members

#### *Police Department*

- 33.10 Department created; composition  
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#### *Fire Department*

- 33.25 Department created; function  
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- 33.99 Penalty

#### ***Cross-reference:***

*Ambulance service fees, see § 119.14*

*False fire alarms, see § 133.08*

*National Incident Management System,  
see § 36.03*

*Police Pension Board, see §§ 32.090 through  
32.092*

#### ***GENERAL PROVISIONS***

##### **§ 33.01 BOARD OF FIRE AND POLICE COMMISSIONERS TO APPOINT MEMBERS.**

The Board of Fire and Police Commissioners provided for under ILCS Ch. 65, Act 5, §§ 10-2.1-1 *et seq.*, in the city, shall appoint all officers and members of Police Department and all full-time members of the Fire Department, with the exception of the Chief of Police and the Chief of the Fire Department.  
(1963 Code, § 2-9-1) (Ord. 486, passed 5-16-1949)

#### ***POLICE DEPARTMENT***

##### **§ 33.10 DEPARTMENT CREATED; COMPOSITION.**

The Police Department of the City of LaSalle shall consist of the following:

(A) *Chief of Police.* Chief of Police to be appointed by the Mayor, subject to confirmation and approval as provided by law of the City Council.

(1) Compensation for the Chief of Police shall be established by the City Council.

(2) Further, in the event an individual is appointed to the position of Chief of Police of the Police Department, should that individual not be re-appointed to or be removed from the Chief of Police position for any reason, he or she shall revert to the rank held at the original appointment of Chief of

Police, regardless of whether a vacancy exists in that rank; provided, however, if the Chief of Police was promoted in rank during his or her term as Chief of Police, the Chief of Police shall revert to that higher rank. The Chief of Police shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than currently held without having to resign as Chief of Police. This section shall not be applicable if, at the time of non-appointment or removal, the individual holding the Chief of Police position has attained the age of mandatory retirement as set forth in ILCS Ch. 65, Act 5, § 10-2.1-17 of the Board of Fire and Police Commissioners Act.

(B) *Deputy Chief of Police.* A Deputy Chief of Police to be appointed by the Chief of Police, if deemed appropriate and necessary by the Chief of Police for the appropriate administration and operation of the Police Department, with the Deputy Chief of Police to serve only during the time deemed appropriate and necessary and in reference to the particular individual at the discretion of the Chief of Police. The Chief of Police shall have the discretion to terminate an individual from the position of Deputy Chief of Police.

(1) The compensation for a person serving in the position of Deputy Chief of Police shall be established by the City Council.

(2) The position of Deputy Chief shall, when occupied, be a non-classified rank immediately below that of Chief of Police. If the Deputy Chief of Police is terminated as Deputy Chief of Police by the Chief of Police within the discretion of the Chief of Police, the Deputy Chief shall revert to the rank held at the time of original appointment as Deputy Chief of Police, regardless of whether a vacancy exists in that rank; provided, however, if the Deputy Chief was promoted in rank during his or her term as Deputy Chief of Police, the Deputy Chief shall revert to that higher rank. The Deputy Chief of Police, having been appointed from any rank of sworn full-time officers of the Department, shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than currently held without having to resign as Deputy Chief.

(C) *Lieutenants and sergeants.* Lieutenants and sergeants, the number of which shall be determined by the operational needs of the Department and appointed by the Chief of Police, subject to approval of the City Council. The compensation for lieutenants and sergeants shall be established by the City Council.

(D) *Total number of officers.* Additionally, the total number of officers within the Police Department, including all respective positions within the Department of patrolmen, sergeant, lieutenant, Deputy Chief and Chief of Police shall be determined by the City Council.

(E) *Specialty officers.* The appointment to the various positions of specialty officer within the City of LaSalle Police Department, including that of investigator, school resource officer, K-9 officer, and drug task force officer, shall be at the discretion and for the time period set by the Chief of Police, and the specialty officers shall not be additional positions within the Department, but shall consist of officers who are otherwise occupying a position of patrolman, sergeant, lieutenant, Deputy Chief and/or Chief of Police.

(F) *Enforcement of rules and regulations.* The Chief of Police in the exercise of his or her duties shall have the power to enforce the rules, regulations and policies for the government of the members and employees of the Police Department, which rules shall, however, be consistent with this code, the ordinances of the city and the laws of the state. The Chief of Police may make or prescribe such further rules and regulations as he or she shall deem advisable, and such rules shall be binding on all members of the Police Department.

(1963 Code, § 6-1-4) (Ord. 725, passed 6-26-1967; Am. Ord. 884, passed 7-21-1976; Am. 960, passed 4-30-1979; Am. Ord. 1124, passed 1-12-1987; Am. Ord. 2205, passed 1-11-2010)

### **§ 33.11 CHIEF OF POLICE; DUTIES.**

(A) The Chief of Police shall devote his or her whole time and energy to the discharge of the duties of his or her office, and shall see that the laws of the



city are enforced as far as possible, and that all offenders are reported to some proper tribunal for punishment.

(B) He or she shall be commanding officer of the Police Department, subject to the Mayor and the rules and regulations prescribed by the Council. He or she shall assign to all police officers under him or her, their beats or districts, and shall see that they are on duty during the whole time of their watch. He shall, in no case, absent himself or herself from the city without notifying the Mayor of his or her intended absence, where the same is practicable.

(C) It shall be the duty of the Chief of Police to promptly report to the Mayor any member of the Police Department who may be guilty of drunkenness, neglect of duty, disobedience of orders or violation of the standing rules and regulations of the Department; and during the pendency of formal charges against any police officer, the Chief of Police, with the consent of the Mayor and the Board of Fire and Police Commissioners, may suspend the officer from duty, until such charges can be investigated.

(D) The Chief of Police shall have the care, custody and control of all books, records, equipment and other property belonging to the Department, and of all stolen goods seized and retained by the police authority. Upon the expiration of his or her term of office or his or her resignation or removal therefrom, he or she shall, on demand, surrender to his or her successor in office, all books, records, equipment and property in his or her possession belonging to the city, or pertaining to his or her office.  
(1963 Code, § 6-1-2)

(E) The Mayor, with the approval of the Council, may appoint the Chief of Police from among the members of the Police Department or any qualified person outside of the Police Department.  
(1963 Code, § 2-9-2)

(F) The Chief of Police shall keep, or cause to be kept, books of record of the Police Department, and all persons arrested or committed by the police, showing the time and place of each arrest, the offense

for which the same was made, the Magistrate or Court before whom such was tried, and the disposition of each case.

(1963 Code, § 6-1-3)

### **§ 33.12 POLICE OFFICER; DUTIES.**

(A) It shall be the duty of the members of the Police Department to aid the Fire Department by giving alarms in case of fire, and in clearing the streets and grounds in the immediate vicinity of any fire, so that the firemen shall not be hindered or obstructed in the performance of their duties.

(1963 Code, § 6-1-7)

(B) Any member of the Police Department who shall neglect or refuse to perform any duty required of him or her, or who shall, in the discharge of his or her official duties, be guilty of fraud, favoritism, extortion, oppression, or wilful wrong or injustice, shall be subject to a fine and suspension or removal from office.

(1963 Code, § 6-1-8) (Ord. 725, passed 6-26-1967; Am. Ord. 884, passed 7-21-1976; Am. Ord. 960, passed 4-30-1979)

### **§ 33.13 BENEFITS AND OTHER EMPLOYMENT PROVISIONS.**

(A) Compensation and benefits of patrolmen and employees, to the extent addressed by the Union Agreement shall be covered by the Union Agreement.

(B) The work week for all members of the Police Department shall be determined by union contract. Overtime work may be authorized by the Chief of Police when necessary and such authorized overtime shall be reported to the Mayor. Members of the Police Department shall be compensated for overtime work at the prevailing hourly rate of pay.  
(1963 Code, § 6-1-11) (Ord. 600, passed 4-18-1960)



(C) The members of the Police Department shall wear such uniforms as may be prescribed by the rules and regulations of the Department.

(D) Each police officer shall, upon his or her appointment, be supplied with a badge, and upon his or her resignation or removal from the force, he or she shall immediately deliver to the Chief of Police, for the use of the city, his or her badge and billy tend all papers and effects in his or her possession belonging to the city.

(E) Each member of the Police Department of the city, that is a member of the Union, shall receive a clothing allowance consistent with the Union Agreement. Non-Union supervisory personnel shall receive a clothing allowance as provided within the discretion of the City Council.

### ***FIRE DEPARTMENT***

#### **§ 33.25 DEPARTMENT CREATED; FUNCTION.**

(A) There is hereby created and established a Fire Department, consisting of a Fire Chief, Assistant Fire Chief, and Fire Fighter Engineers.

(B) It shall be the duty and function of the Fire Department, and every member thereof to extinguish accidental or destructive fires and to prevent the occurrence or spread of such fires. The Fire Department shall additionally provide rescue and medical first response to the community.  
(1963 Code, § 4-1-6) (Ord. 677, passed 6-29-1964)

#### **§ 33.26 FIRE CHIEF; ASSISTANT CHIEF.**

(A) The Mayor, with the approval of the Council, may appoint the Chief of the Fire Department from among the volunteer members or regular members of the Fire Department or any qualified person outside of the Fire Department.  
(1963 Code, § 2-9-3) (Ord. 486, passed 5-16-1949)

(B) The Fire Chief shall be the Commanding Officer of the Fire Department and shall have control of the assignment of duties of members of the Department, and the direction of Fire Protection and Prevention work of the city. He or she shall be responsible for the control and regulation of all equipment belonging to the Fire Department. The Fire Chief shall keep himself or herself informed about condition and efficiency of all property or apparatus of the Fire Department, and shall maintain and keep in repair all such property or apparatus. In case of fire, the Fire Chief and his or her assistant in their order of rank, shall take command of the Fire Department and direct the Department thereof for the suppression of the fire in the best manner possible. When it may be necessary for the protection of other property, to prevent the spread of the conflagration, the officer in command may cause buildings to be removed, torn down or destroyed in the best manner possible. It shall be the duty of the Fire Chief to examine into the origin of any fire which results in the destruction of any property within the city, and he or she shall have full power to investigate the cause of fires. It shall be the further duty of the Fire Chief to see that all laws of the city having any relation to the protection of life, limb or property or relating to the Fire Department are strictly enforced, and that all members of the Fire Department are faithful in the discharge of their duties.

(1963 Code, § 4-1-4)

(C) The Fire Chief shall keep or cause to be kept a record of all meetings of the Fire Department and the attendance of members, a record of all fires, with dates, location, cause of fire, amount of loss and any other information deemed necessary shown thereon, a report given to the City Council at the end of each fiscal year, and shall perform such duties as required by law or ordinance or prescribed by rule and regulation of the Department proper.

(1963 Code, § 4-1-5)

(D) In the case of the temporary absence or disability of the Fire Chief, the Assistant Fire Chief shall possess the power and exercise the duties of the Fire Chief.

(1963 Code, § 4-1-10) (Ord. 677, passed 6-29-1964)

**§ 33.27 APPOINTMENT OF MEMBERS.**

The Fire Chief, Assistant Fire Chief together with the members of the Fire Department shall be appointed by the Mayor, by and with the consent of the City Council. The 4 Fire Fighter Engineers presently employed shall be retained. When there is a vacancy in the Department for Fire Fighter Engineers, the vacancy shall be filled by appointment by the Board of the Fire and Police Commissioners of the city, it being the intention that all new fire truck drivers shall be appointed by the Board of the Fire and Police Commissioners.

(1963 Code, § 4-1-2) (Ord. 677, passed 6-29-1964)

**§ 33.28 QUALIFICATION OF MEMBERS.**

New members of the Fire Department must be able-bodied persons, of good moral character, and over 18 years of age, and not more than 40 years of age, must be a resident of the City of La Salle, Illinois, locally employed, so that members will be able to attend fires, must have a telephone, and provide transportation for themselves while attending a fire. Any volunteer firemen attaining the age of 65 shall be automatically retired from active duty. The retired firemen may continue as members of the social club.

(1963 Code, § 4-1-3) (Ord. 677, passed 6-29-1964; Am. Ord. 918, passed 10-17-1977; Am. Ord. 1766, passed 5-13-2002)

**§ 33.29 DUTIES OF FIREMEN.**

(A) A member of the Fire Department must obey all department rules and regulations.

(1963 Code, § 4-1-8)

(B) Any fireman in attendance at a fire who shall neglect or refuse to obey the orders of the officer in command at such fire, shall be reprimanded by the Fire Chief.

(1963 Code, § 4-1-7) (Ord. 677, passed 6-29-1964)

**§ 33.30 ARREST OF PERSONS  
INTERFERING WITH FIRE DEPARTMENT  
OR OTHERWISE VIOLATING LAWS.**

The Mayor, Fire Chief, Assistant Fire Chief, and all members of the Fire Department shall, during the process of any fire, arrest any person or persons found trespassing or stealing any property or wilfully injuring or breaking any fire apparatus or hindering or interfering with any member of the Fire Department in the performance of his or her duties, at, going to, or returning from any fire, or while attending to his or her respective duties connected with the Fire Department, or negligently driving any vehicle across or upon any hose of the Fire Department.

(1963 Code, § 4-1-12) Penalty, see § 33.99

**§ 33.31 FIRE DRILLS.**

The Fire Department will have drills once a month.

(1963 Code, § 4-1-12A) (Ord. 698, passed 12-13-1965)

**§ 33.32 FIREMEN'S PENSION FUND.**

(A) The City of La Salle, Illinois, hereby and herein adopts and henceforth will follow Article Four: Firemen's Pension Fund - Municipality 500,000 And Under, in providing pension benefits for its employees falling within the description of fireman as defined in ILCS Ch. 40, Act 5, § 4-106, and in further providing for the setting apart, formation, administration and disbursement of monies collected under said pension fund.

(B) (1) A board composed of 8 members, as required by ILCS Ch. 40, Act 5, § 4-121, is hereby created, said Board to have all right, power and authority granted to it under ILCS Ch. 40, Act 5, §§ 4-101 *et seq.*, and is responsible for the proper administration of said Fund. The new Board will consist of the City Treasurer, City Clerk, City Fire Chief and Mayor of the City, together with 3 other persons to be chosen from the active firemen of the

city as defined in and by ILCS Ch. 40, Act 5, § 4-106, and 1 other person who shall be chosen from the firemen who have been retired under ILCS Ch. 40, Act 5, §§ 4-101 *et seq.* Being that no fireman of the City of La Salle has retired under ILCS Ch. 40, Act 5, §§ 4-101 *et seq.* as of this date, said Board will consist of 7 members until such time as a retired fireman qualifies for the additional position on said Board. The members of the Board to be chosen from the active and retired firemen shall be elected by ballot at elections to be held on the third Monday in April of the applicable years under the Australian Ballot System, at such place or places, and under such regulations as shall be prescribed by the Board.

(2) No person shall cast more than 1 vote at such election for each candidate for whom he or she is eligible to vote. In the elections for Board members to be chosen from the active firemen, all active firemen and none others may vote. In the elections for Board members to be chosen from the firemen who have been retired, the firemen who have been so retired and none others may vote. Each member of the Board so elected shall hold office for a term of 3 years and until his or her successor has been duly elected and qualified.

(3) The Board shall canvass the ballots at each election and declare the results as to which person or persons have been elected and for what term or terms respectively. In case of a tie vote between any 2 or more candidates, the Board shall determine by lot which candidate or candidates have been elected and for what term or terms respectively. In the event of the failure, resignation or inability to act of any member of the Board, his or her successor shall be elected for the unexpired term at a special election which shall be called by the Board and conducted in the same manner as a regular election hereunder. In addition, the Board shall elect from its number a president and vice-president.

(C) That the present state statutes concerning the Firemen's Pension Fund, the same being ILCS Ch. 40, Act 5, §§ 4-101 *et seq.* are adopted in and by this section and made a part hereof, and said sections are incorporated into this section the same as if they had been written herein.

(D) The depository for all monies collected under and by said Board on behalf of said Fund shall be selected by said Board, which depository shall invest said funds in accordance with ILCS Ch. 40, Act 5, § 4-128.

(E) (1) The City Council shall annually levy pursuant to and in accordance with ILCS Ch. 40, Act 5, § 4-118, a tax upon all the taxable property of the municipality at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of firemen and receipts available from all other sources referred to within ILCS Ch. 40, Act 5, §§ 4-101 *et seq.*, will equal a sum sufficient to: (1) meet the annual requirements of the pension fund; an (2) provide actuarial reserves for the annuities and benefits to be earned by the firemen during the year, and said actuarial reserve requirements shall be computed at a rate of not less than 17.5% of the salaries and wages to be paid to the firemen for the ensuing year; and (3) provide for the amortization of the unfunded accrued liabilities, including liabilities on account of pensions and benefits in force at such date, as determined as of December 31, 1966, by the Pension Division of the Department of Insurance as reported in its Report of Examination of Public Employees Pension Fund, 1967, over a period of 40 years from such date using an interest rate assumption of 4% per annum.

(2) The tax shall be levied and collected in like manner with the general taxes of the municipality and shall be in addition to all other taxes now or hereafter authorized to be levied upon all property within the municipality, and in addition to the amount authorized to be levied for general purposes, as provided by ILCS Ch. 65, Act 5, §§ 8-3-11 *et seq.*

(3) The Firemen's Pension Fund shall consist of the following moneys which shall be set apart by the Treasurer of the municipality:

(a) All moneys derived from the taxes levied hereunder;

(b) All fines imposed for the violation of fire ordinances, the enforcement or collection of which may be charged to and be under the supervision of the chief officers or subordinate officers of such fire departments;

(c) Monthly deductions from the salary of each fireman as otherwise provided herein. As amended by act approved July 31, 1967. (Ord. 879, passed 7-12-1976)

### § 33.33 FIRE MUTUAL AID RESPONSE.

(A) *Purpose.* It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophes, the use of an individual member unit's personnel and equipment to perform functions outside the territorial limits of the member unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other member unit's personnel and equipment to perform functions within the territorial limits of a member unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Mutual Aid Box Alarm System is desirable for the effective and efficient provision of mutual aid.

(B) *Definitions.* For the purpose of this section, the following terms as used in this section shall be defined as follows:

**AIDING UNIT.** A member unit furnishing equipment, personnel, and/or services to a stricken unit.

**MEMBER UNIT.** A unit of local government including but not limited to a city, village or fire protection district having a fire department recognized by the State of Illinois, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a

party to the MABAS Agreement and has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of MABAS.

**MUTUAL AID BOX ALARM SYSTEM (MABAS).** A definite and prearranged plan whereby response and assistance is provided to a stricken unit by the aiding unit(s) in accordance with the system established and maintained by the MABAS member units and amended from time to time.

**STRICKEN UNIT.** A Member Unit which requests aid in the event of an emergency.

#### (C) *Duties.*

(1) Whenever an emergency occurs and conditions are such that the Fire Chief, or his or her designee, of the Stricken Unit determines it advisable to request aid pursuant to this section, he or she shall notify the Aiding Unit of the nature and location of the emergency and the type and amount of equipment and personnel and/or services requested from the Aiding Unit.

(2) The Fire Chief, or his or her designee, of the aiding unit shall take the following action immediately upon being requested for aid:

(a) Determine what equipment, personnel and/or services is requested according to the system maintained by MABAS;

(b) Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the stricken unit;

(c) Dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the stricken unit in accordance with the procedures of MABAS;

(d) Notify the stricken unit if any or all of the requested equipment, personnel and/or services cannot be provided.

(D) *Jurisdiction over personnel and equipment.*

Personnel dispatched to aid a party pursuant to this section shall remain employees of the aiding unit. Personnel rendering aid shall report for direction and assignment at the scene of the emergency to the Fire Chief or senior officer of the stricken unit. The party rendering aid shall at all times have the right to withdraw any and all aid upon the order of its Fire Chief or his or her designee; provided, however, that the party withdrawing such aid shall notify the Fire Chief or senior officer of the party requesting aid of the withdrawal of such aid and the extent of such withdrawal.

(E) *Compensation for aid.* Equipment, personnel, and/or services provided pursuant to this section shall be at no charge to the party requesting aid; however, any expenses recoverable from third parties shall be equitably distributed among responding parties. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statutes.

(F) *Insurance.* Each party hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including: comprehensive liability, personal injury, property damage, workman's compensation, and, if applicable, emergency medical service professional liability, with minimum limits of \$1,000,000 auto and \$1,000,000 combined single limit general liability and professional liability. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The obligations of the division may be satisfied by a party's membership in a self-insurance pool, a self-insurance plan or arrangement with an insurance provider approved by the state of jurisdiction. The MABAS may require that copies or other evidence of compliance with the provisions of this division be provided to the MABAS. Upon request, member units shall provide such evidence as herein provided to the MABAS members.

(G) *Indemnification.*

(1) Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement; provided, however, that such claim is not a result of gross negligence or willful misconduct by a party hereto or its personnel.

(2) Each party requesting or providing aid pursuant to this agreement hereby expressly agrees to hold harmless, indemnify and defend the party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this section. Provided, however, that all employee benefits, wage and disability payments, pensions, workman's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the party rendering aid shall be the sole and exclusive responsibility of the respective party for its employees, provided, however, that such claims made by a third party are not the result of gross negligence or willful misconduct on the part of the party rendering aid.

(H) *Non-liability for failure to render aid.* The rendering of assistance under the terms of this section shall not be mandatory if local conditions of the aiding unit prohibit response. It is the responsibility of the aiding unit to immediately notify the stricken unit of the aiding unit's inability to respond; however, failure to immediately notify the stricken unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this section and no liability may be assigned. No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there be any liability of a party for withdrawal of aid once provided pursuant to the terms of this section.

(I) *Term.* This agreement shall be in effect for a term of 1 year from the date of signature hereof and shall automatically renew for successive 1-year terms unless terminated in accordance with this division. Any party hereto may terminate its participation in this agreement at any time, provided that the party wishing to terminate its participation in this agreement shall give written notice to the board of their division and to the executive board specifying the date of termination, such notice to be given at least 90 calendar days prior to the specified date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail.

(J) *Effectiveness.* This agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof.

(K) *Binding effect.* This agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto. Provided, however, that this agreement may not be assigned by a member unit without prior written consent of the parties hereto; and this agreement shall not be assigned by MABAS without prior written consent of the parties hereto.

(L) *Validity.* The invalidity of any provision of this agreement shall not render invalid any other provision. If, for any reason, any provision of this agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this agreement may be enforced with that provision severed or modified by court order.

(M) *Notices.* All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the MABAS mailing lists or, to other such address as shall be agreed upon.

(N) *Governing law.* This agreement shall be governed, interpreted and construed in accordance with the laws of the State of Illinois.

(O) *Execution in counterparts.* This agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as 1 and the same document.

(P) *Executive board of MABAS.*

(1) An executive board is hereby established to consider, adopt and amend from time to time as needed rules, procedures, by-laws and any other matters deemed necessary by the Member Units. The executive board shall consist of a member elected from each division within MABAS who shall serve as the voting representative of said division on MABAS matters, and may appoint a designee to serve temporarily in his stead. Such designee shall be from within the respective division and shall have all rights and privileges attendant to a representative of that member unit.

(2) A president and vice president shall be elected from the representatives of the member units and shall serve without compensation. The president and such other officers as are provided for in the by laws shall coordinate the activities of the MABAS.

(Q) *Duties of the Executive Board.* The executive board shall meet regularly to conduct business and to consider and publish the rules, procedures and by laws of the MABAS, which shall govern the executive board meetings and such other relevant matters as the executive board shall deem necessary.

(Res. 199910, passed 11-15-1999)

### **§ 33.34 FIRE DEPLOYMENT FEES.**

The following fees are hereby established for fire deployment fees in connection with motor vehicle incidents and related matters for services set forth below.



|  |  |
|--|--|
| This shall include, but not be limited to hazardous materials assessment and scene stabilization, clean-up of materials used (sorbents) for hazardous fluid clean-up and scene safety, fire suppression, use of breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, all heavy extrication, landing zone set up in the event there should be any helicopter landing zones, traffic control and all matters related thereto. |  |
| \$250  | Per hour per truck working at incident             |
| \$70   | Per man per hour of on scene work                  |
| \$35   | Per man per hour station back fill due to incident |
| Full cost replacement of all equipment and/or other materials damaged and/or expended during the course of the incident, clean-up and disposal.  |  |

(B) In the joint discretion and approval of the Mayor and the Fire Chief, these fees may be waived in connection with a resident of the City of LaSalle.

(C) These fees may be modified upon the joint approval of the Mayor and the Fire Chief of the City of LaSalle.

(Ord. 2259, passed 1-10-2011)

***Cross-reference:***

*Ambulance service fees, see § 119.14*

**§ 33.99 PENALTY.**

Any person or persons violating any provisions of § 33.30, upon conviction shall be fined not less than \$5 nor more than \$200.

(1963 Code, § 4-1-12) (Ord. 677, passed 6-29-1964)



## CHAPTER 34: FINANCE AND REVENUE

### Section

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## ***GENERAL PROVISIONS***

### **§ 34.01 FISCAL YEAR.**

The fiscal year is from May 1 to April 30.

### **§ 34.02 BORROWING MONEY; LIMITATION.**

The Council may, whenever the interests of the city require it, borrow money on the credit of the city for corporate purposes and issue bonds therefor, in such amounts and forms, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose to an amount,

including existing indebtedness, in the aggregate to exceed 5% on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within 20 years after contracting the same.

(1963 Code, § 1-16-2) (Ord. 291, passed 7-27-1931)

### **§ 34.03 ANNUAL APPROPRIATIONS.**

The Council shall as soon as practicable after the commencement of each fiscal year, and within the first quarter of each fiscal year, pass an ordinance to be termed the annual appropriation ordinance. It shall appropriate such sums of money as may be deemed to be necessary to defray all necessary expenses and liabilities of the city for the current year; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal votes of the city, either by a petition signed by them, or at a general or special election called therefor.

(1963 Code, § 1-16-3) (Ord. 291, passed 7-27-1931)

### **§ 34.04 LIMITATION OF EXPENDITURES.**

Neither the Council, nor any department or officer of the city, shall add to the corporate expenditures in any 1 year anything over and above the amount provided for in the annual appropriation ordinance of that year except as herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the city shall exceed, in any 1 year, the amount provided for such improvement in the annual

appropriation bill; provided, however, that nothing herein contained shall prevent the Council from ordering, by a 2/3 vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The Council may, by a like vote, order the Mayor and the Finance Committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity for which has arisen, as is herein mentioned, for a space of time not exceeding the close of the next fiscal year; which sum, and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the city, the Mayor and Finance Committee, under the sanction of the Council, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year, which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein.

(1963 Code, § 1-16-4) (Ord. 291, passed 7-27-1931)

### **§ 34.05 NO CONTRACT WITHOUT APPROPRIATION.**

No contract shall be hereafter made by the Council or any committee or member thereof, and no expense shall be incurred by any of the officers or departments of the city, whether the object of the expenditure shall have been ordered by the Council or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.

(1963 Code, § 1-16-5) (Ord. 291, passed 7-27-1931)

### **§ 34.06 CONTRACTS AND PURCHASES.**

No contract involving the expenditure of \$5,000 or more shall be made by, for, or in the name of the city, except upon the prior approval of the Council

in regular or special meeting assembled; provided, however, that the provisions hereof shall not be held or construed to limit in any way any requirement of law as to the making of contracts in excess of certain amounts based upon specifications and public advertisements for bids.

(1963 Code, § 1-16-10) (Ord. 291, passed 7-27-1931)

#### **§ 34.07 DEPOSITORY OF FUNDS.**

The LaSalle National Bank and the LaSalle State Bank are hereby designated as depositories of city funds.

(1963 Code, § 1-18-1)

### ***INVESTMENT POLICY***

#### **§ 34.20 POLICY.**

It is the policy of the City of LaSalle to invest public funds in a manner to the extent reasonably possible which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the entity and confirming to all state and local statutes governing the investment of public funds.

(Ord. 1691, passed 12-13-1999)

#### **§ 34.21 SCOPE.**

This policy includes all funds governed by the LaSalle City Council.

(Ord. 1691, passed 12-13-1999)

#### **§ 34.22 PRUDENCE.**

(A) Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

(B) The standard of prudence to be used by investment officials shall be the prudent person standard and shall be applied in the context of managing an overall portfolio.

(Ord. 1691, passed 12-13-1999)

#### **§ 34.23 OBJECTIVE.**

The primary objective, in order of priority, shall be:

(A) Legality - conformance with federal, state and other legal requirements.

(B) Safety - preservation of capital and protection of investment principal.

(C) Liquidity - maintenance of sufficient liquidity to meet operating requirements.

(D) Yield - attainment of market rates of return.

(Ord. 1691, passed 12-13-1999)

#### **§ 34.24 DELEGATION OF AUTHORITY.**

Management and administrative responsibility for the investment program is hereby delegated to the City Comptroller. The City Comptroller shall report to the Mayor of the City of LaSalle. The Treasurer, the Comptroller and the Mayor of the City of LaSalle shall meet on an ad hoc basis as determined by the Mayor to review the operation of

the investment program and to modify this investment policy in any manner deemed appropriate subject to the approval of the City of Council of the City of LaSalle, Illinois.

(Ord. 1691, passed 12-13-1999)

#### **§ 34.25 ETHICS.**

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

(Ord. 1691, passed 12-13-1999)

***Cross-reference:***

*State officials and employees ethics act, see § 35.20*

#### **§ 34.26 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.**

(A) The Treasurer will maintain a list of financial institutions authorized to provide investment services.

(B) In addition, a list will also be maintained of approved security brokers/dealers selected by credit worthiness.

(Ord. 1691, passed 12-13-1999)

#### **§ 34.27 AUTHORIZED AND SUITABLE INVESTMENTS.**

(A) Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds.

(B) Investments shall be made that reflect the cash flow needs of the fund type being invested.

(Ord. 1691, passed 12-13-1999)

#### **§ 34.28 COLLATERALIZATION.**

Funds on deposit (checking accounts, certificates of deposit, etc.) in excess of FDIC limits must be secured by some form of collateral, witnessed by a written agreement and held at an independent-third party institution in the name of the municipality.

(Ord. 1691, passed 12-13-1999)

#### **§ 34.29 SAFEKEEPING AND CUSTODY.**

All security transactions, including collateral for repurchase agreements, entered into by the City of LaSalle, shall be conducted on a delivery-verses-payment (DVP) basis. Securities will be held by an independent third party custodian designated by the Comptroller and evidenced by safekeeping receipts and a written custodial agreement.

(Ord. 1691, passed 12-13-1999)

#### **§ 34.30 DIVERSIFICATION.**

The entity shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds to the extent reasonably feasible. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

(Ord. 1691, passed 12-13-1999)

#### **§ 34.31 MAXIMUM MATURITIES.**

To the extent reasonably possible, the City of LaSalle, shall attempt to match its investments and anticipated cash flow requirements.

(Ord. 1691, passed 12-13-1999)

**§ 34.32 INTERNAL CONTROL.**

The Comptroller is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points.

(A) Control of collusion;

(B) Separation of transaction authority from accounting;

(C) Custodial safekeeping;

(D) Written confirmation of telephone transactions for investments and wire transfers.  
(Ord. 1691, passed 12-13-1999)

**§ 34.33 PERFORMANCE STANDARDS.**

The investment portfolio will be managed to the extent reasonably possible within parameters specified within the policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio. However, nothing in these performance standards shall be deemed to require the Treasurer to invest municipal funds in financial institutions not having business locations within the corporate limits of the City of LaSalle as long as said investments are otherwise legally appropriate. Funds may be invested in financial institutions not having facilities within the City of LaSalle upon the recommendation of the City Treasurer or the Mayor, and the concurrence of the LaSalle City Council. The City of LaSalle has been historically and remains at present supported by local financial institutions and deems it to be in the

best interests of the City of LaSalle and its citizens to support those local financial institutions having a physical presence in the City of LaSalle to the extent deemed reasonably feasible.

(Ord. 1691, passed 12-13-1999)

**§ 34.34 REPORTING; STATEMENT OF MARKET VALUE.**

(A) The Treasurer shall prepare an investment report at least monthly. The report shall be provided to the LaSalle City Council. The report should be in a format suitable for review by the general public. An annual report should also be provided to the City Council.

(B) A statement of the market value of the portfolio shall be issued to the City Council quarterly.  
(Ord. 1691, passed 12-13-1999)

**§ 34.35 INVESTMENT POLICY ADOPTION; ANNUAL REVIEW.**

This investment policy shall be adopted by the LaSalle City Council. The policy shall be reviewed on an annual basis by the Treasurer, the Comptroller and the Mayor of the City of LaSalle and any modifications made thereto must be approved by the LaSalle City Council.  
(Ord. 1691, passed 12-13-1999)

***TAXATION*****§ 34.45 ANNUAL TAX LEVY.**

The Council shall annually, on or before the third Tuesday in September in each year, ascertain the total amount of appropriations for all corporate purposes legally made, and to be collected from the tax levy of that fiscal year; and by an ordinance specifying in detail the purposes for which such

appropriations are made and the sum or amount appropriated for each purpose, respectively, levy the amount so ascertained upon all the property subject to taxation within the city, as the same is assessed and equalized for state and county purposes for the current year. A certified copy of such ordinance shall be filed with the County Clerk, whose duty it shall be to ascertain the rate per cent, which, upon the total valuation of all the property subject to taxation within the city, as the same is assessed and equalized for state and county purposes, will produce a net amount not less than the amount so directed to be levied; and it shall be the duty of the County Clerk to extend such tax in a separate column upon the books of the collector of the state and county taxes, within the city; provided, the aggregate amount of taxes levied for any 1 year, exclusive of the amount levied for the payment of bonded indebtedness or the interest thereon, shall not exceed the rate of 5% upon the aggregate valuation of all the property within the city subject to taxation, as the same was equalized for state and county taxes of the preceding year.

(1963 Code, § 1-16-6) (Ord. 291, passed 7-27-1931)

#### **§ 34.46 MANNER OF COLLECTING TAXES.**

The tax so assessed shall be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid over by the officers collecting the same to the Treasurer.

(1963 Code, § 1-16-7) (Ord. 291, passed 7-27-1931)

#### **§ 34.47 UNIFORMITY OF TAXATION.**

All taxes levied or assessed by the city, except special assessment for local improvements, shall be uniform upon all taxable property and persons within

the limits of the city and no property shall be exempt therefrom, other than such property as may be exempt from taxation under the constitution and the general laws of the state.

(1963 Code, § 1-16-9)

#### **§ 34.48 HOTEL/MOTEL RENTING TAX.**

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

##### **(1) HOTEL ROOM or MOTEL ROOM.**

A room within a structure kept, used or maintained as or advertised or held out to the public to be in an inn, motel, hotel, apartment hotel, lodging house, dormitory or place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

(2) **OWNERS.** Any person or persons having sufficient proprietary interest in conducting the operation of a hotel or motel room or receiving the consideration for the rental of such hotel or motel room so as to entitle such person or persons to all or a portion of the net receipts thereof.

(3) **PERSON.** Any natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.



(B) *Tax.*

(1) There is hereby levied and imposed upon the use and privilege of renting a hotel or motel room within the City of LaSalle, Illinois, a tax of 5% of the rental or leasing charge for each 24 hours or any portion thereof, provided, however, the tax shall not be levied an imposed upon any person who rents a hotel or motel room for more than 7 consecutive days or to a person who works and lives in the same hotel or motel.

(2) The ultimate incident of and liability for payment of said tax shall be borne by the person who seeks the privilege of occupying any such hotel or motel room, said person hereinafter referred to as renter.

(3) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner, manager or operator of every hotel or motel to act as trustee for and on account of the city, and to secure said tax from the renter of the hotel or motel room and pay over to the City Comptroller said tax under procedures prescribed by the City Comptroller or as otherwise provided in this section.

(4) Every person required to collect the tax levied by this section shall secure said tax from the renter at the time he or she collects the rental payment for the hotel or motel room. Upon the invoice receipt or other statement or memorandum is the rent given to the renter at the time of payment the amount due under the tax provided in this section shall be stated separately on said documents.

(C) *Rules and regulations.* The Comptroller of the City of LaSalle may promulgate rules and regulations not inconsistent with the provisions of this section concerning enforcement and application of this section. The term rules and regulations includes, but is not limited to, case by case determination of whether or not the tax imposed by this section applies.

(D) *Books and records.* The City Comptroller or any person certified as his or her deputy or representative, may enter the premises of any hotel or motel for inspection and examination of books and records in order to effectuate the proper administration of this section and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the City Comptroller or his duly authorized deputy or representative in the discharge of his duties and the performance of this section. It shall be the duty of every owner to keep accurate and complete books and records to which the City Comptroller or his or her deputy or authorized representative, shall at all. times have access, which records shall include a daily sheet showing:

(1) The number of hotel or motel rooms rented during the 24-hour period, including multiple rentals of the same hotel rooms where such shall occur; and

(2) The actual hotel or motel tax receipts collected for the date in question.

(E) *Tax returns.*

(1) The owner or owners of each hotel or motel room within the City of LaSalle shall file tax returns showing tax receipts received with respect to each hotel and motel room each month period commencing on August 1, 1994, and continuing on the first day of every month thereafter on forms prescribed by the City Comptroller. The return shall be due on or before the thirtieth day of the calendar month succeeding the end of the month filing period.

(2) The first taxing period for the purpose of this section shall commence on August 1, 1994, and the tax return and payment for such periods shall be due on or before September 30, 1994. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this section. At the time of filing said tax returns, the owner shall pay to the City Comptroller all taxes due for the period which the tax return applies.

(3) If for any reason any tax is not paid when due, a penalty at the rate of 1½ % per 30-day period, or portion thereof, from the day of delinquency shall be added and collected.

(F) *Collection.* Whenever any person shall fail to pay any tax as herein provided, the Corporation Counsel shall, upon the request of the City Comptroller, bring or cause to be brought any action to enforce the payment of said tax on behalf of the city in any court of competent jurisdiction.

(G) *Proceeds of tax and fines.* All proceeds resulting from the imposition of the tax under this section, including penalties, shall be paid into the treasury of the City of LaSalle and shall be credited to and deposited in the corporate fund of the city.

(H) *Suspension or revocation of licenses.* If the Mayor, after hearing held by or for him or her shall find any person has willfully avoided payment of tax imposed by this section, he or she may suspend or revoke all city licenses held by such tax evader. The owner, manager, or operator of the hotel or motel shall have an opportunity to be heard at such hearing to be held not less than 5 days after notice of the time and place of the hearing to be held, addressed to him or her at his or her last known place of business.  
(Ord. 1468, passed 7-18-1994)

#### **§ 34.49 MUNICIPAL AUTOMOBILE RENTING OCCUPATION TAX.**

(A) A tax is hereby imposed upon all persons engaged in the business of renting automobiles in this city at the rate of 1 % of the gross receipts from such rentals made in the course of such business while this section is in effect, in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-7.

(B) Every such person engaged in such business in the city shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by Sections Two and Three of An Act in Relation to a Tax upon

Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption approved June 29, 1933, as amended.

(C) At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the renting of automobiles during the preceding month.  
(Ord. 1020, passed 1-4-1982)

#### **§ 34.50 MUNICIPAL AUTOMOBILE RENTING USE TAX.**

(A) A tax is hereby imposed upon the privilege of using in this city an automobile which is rented from a rentor outside Illinois and which is titled or registered with an agency of this state's government in this city at the rate of 1 % of the rental price of such automobile while this section is in effect, in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-8.

(B) The tax provided for in this section shall be collected from the persons whose Illinois address for titling or registration purposes is given as being in this city.

(C) The tax imposed by this section shall be paid to the Illinois Department of Revenue.  
(Ord. 1019, passed 1-4-1982)

#### **§ 34.51 MUNICIPAL REPLACEMENT VEHICLE TAX.**

(A) A tax is hereby imposed upon each vehicle, as defined in ILCS Ch. 625, Act 5, § 1-146 of The Illinois Vehicle Code, purchased in this city by or on behalf of an insurance company to replace a vehicle of an insured person in settlement of a total loss claim. The tax shall be in the amount of \$50 per vehicle purchased.

(B) Every such insurance company that purchases a replacement vehicle as defined herein shall complete and file with the Illinois Department of Revenue a replacement vehicle certificate (Form RVT-7).

(C) At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed.  
(Ord. 1058, passed 3-26-1984)

#### **§ 34.52 NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX.**

(A) *Authority.*

(1) The city has authority under §§ 8-11-1.1 and 8-11-1.3 of the Illinois Municipal Code (ILCS Ch. 65, Art. 5, §§ 1-1-1 *et seq.*) for property tax relief, expenditure on public infrastructure or both, to impose by ordinance, after majority approval by the electors of the city voting through referendum, a non-home rule municipal retailers' occupation tax upon all persons engaged in the business of selling tangible personal property at retail in the city; and

(2) The city has authority under §§ 8-11-1.1 and 8-11-1.3 of the Illinois Municipal Code (ILCS Ch. 65, Art. 5, §§ 1-1-1 *et seq.*) for property tax relief, expenditure on public infrastructure or both, to impose by ordinance, after majority approval by the electors of the city voting through referendum, a non-home rule municipal retailer's occupation tax upon all persons engaged in the business of making sales of service in the city; and

(3) Sections 8-11-1.3 and 8-11-1.4 of the Illinois Municipal Code provide that a municipality may not impose a non-home rule municipal retailers' occupation tax unless a non-home rule municipal service occupation tax is also imposed and vice versa; and

(4) Section 8-11-1.2 of the Illinois Municipal Code defines **PROPERTY TAX RELIEF** as the action of a municipality to reduce the levy for real estate taxes or avoid an increase in the levy for real estate taxes that would otherwise have been required; and

(5) Section 8-11-1.2 of the Illinois Municipal Code defines **PUBLIC INFRASTRUCTURE** as municipal roads and streets, access roads, bridges, and sidewalks; waste disposal systems; and water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities; and

(6) Sections 8-11-1.3 and 8-11-1.4 of the Illinois Municipal Code provide that a non-home rule municipal retailers' occupation tax and a non-home rule municipal service occupation tax may not be imposed on the sale of prescription and nonprescription medicines, drugs, and medical appliances; on the sale of insulin, urine testing materials, syringes, and needles used by diabetics; or on the sale of food for human consumption that is to be consumed off the premises where it is sold, other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption; and

(7) Section 8-11-1.3 of the Illinois Municipal Code provides that a non-home rule municipal retailers' occupation tax may not be imposed on items of tangible personal property that are titled and registered by an agency of the State of Illinois; and

(8) Section 8-11-1.3 of the Illinois Municipal Code provides that a non-home rule municipal retailers' occupation tax may not be more than 1/2 of 1% and may be imposed only in 1/4 of 1% increments; and

(9) Section 8-11-1.4 of the Illinois Municipal Code provides that a non-home rule municipal retailer's occupation tax may not be more than 1/2 of 1% and may be imposed only in 1/4% increments; and

(10) The electors of the city approved a referendum pursuant to § 8-11-1.1(b) of the Illinois Municipal Code adopting a 1/2 of 1% non-home rule municipal retailers' occupation tax; and a 1/2 of 1% non-home rule municipal service occupation tax.

(11) The Council of the city finds that it is in the best interests of the city to impose a non-home rule municipal retailers' occupation tax, a non-home rule municipal service occupation tax for the purposes of expenditure on public infrastructure and/or property tax relief.

(B) *Imposition of non-home rule municipal retailers' occupation tax.* A non-home rule municipal retailers' occupation tax of 1/2 of 1% is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in the City of LaSalle, Illinois. Such tax shall not apply to the sale of an item of tangible personal property which is titled and registered by an agency of the State of Illinois; the sale of prescription and nonprescription medicines, drugs and medical appliances; the sale of insulin, urine testing materials, syringes and needles used by diabetics; or the sale of food for human consumption that is to be consumed off the premises where it is sold, other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption.

(C) *Imposition of non-home rule municipal service occupation tax.* A non-home rule municipal service occupation tax of 1/2 of 1% is hereby imposed upon all persons engaged within the city in the business of making sales of service on the selling price of all tangible personal property transferred by such servicemen or servicewomen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. Such tax shall not apply to the sale of prescription and nonprescription medicines, drugs, and medical appliances; the sale of insulin, urine testing materials, syringes and needles used by diabetics, or the sale of food for human consumption that is to be consumed off the premises where it is sold, other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption.  
(Ord. 1911, passed 6-6-2005)

#### **§ 34.53 MUNICIPAL USE TAX.**

(A) A tax is hereby imposed in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-6 upon the privilege of using in the municipality any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois Government. The tax shall be at a rate of 1% of the selling price of such tangible property with selling price to have the meaning as defined in the Use Tax Act, approved July 14, 1955.

(B) Such tax shall be collected by the Illinois Department of Revenue for all municipalities imposing the tax and shall be paid before the title or certificates of registration for the personal property is issued.

(Ord. 854, passed 10-7-1974)

#### **§ 34.54 MUNICIPAL UTILITY TAX.**

(A) *Imposition.* A tax is imposed on all persons engaged in the following occupations or privileges:

(1) Persons engaged in the business of transmitting messages by means of electricity, at the rate of 3.5% of the gross receipts from such business originating within the corporate limits of the city.

(2) Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of the city and not for resale, at the rate of 3.5% of the gross receipts therefrom.

(3) Persons engaged in the business of distributing, supplying, furnishing, or selling electricity for use or consumption within the corporate limits of the city and not for resale, at the rate of 3.5% of the gross receipts therefrom.

(4) Persons engaged in the business of distributing, supplying, furnishing, or selling water for use or consumption within the corporate limits of the city and not for resale, at the rate of 3.5% of the gross receipts therefrom.

(Ord. 1026, passed 6-7-1982; Am. Ord. 1313, passed 2-17-1992)

(B) *Exemptions.* No tax is imposed by this section with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the constitution and statutes of the United States, be made subject to taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas, water or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this section for such transactions as are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act authorized by ILCS Ch. 65, Act 5, § 8-11-1.

(C) *Tax additional to use fee.* Such tax shall be in addition to the payment of money, or value of products or services furnished to this municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or hereunder of poles, wires, pipes or other equipment used in the operation of the taxpayers' business.

(D) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **GROSS RECEIPTS.** The consideration received for the transmission of messages, or for distributing, supplying, furnishing or selling gas, electricity, or water for use or consumption and not for resale, as the case may be; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all

services rendered therewith, excluding any utility tax imposed by the State of Illinois and shall be determined without any deduction on account of the cost of transmitting said messages without any deduction on account of the cost of the service, product or commodity supplies, the cost of materials used, labor or service cost, or any other expenses whatsoever.

(2) **PERSON.** Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this state, or a receiver, trustee, conservator or other representative appointed by order of any court.

(3) **TRANSMITTING MESSAGES.** In addition to the usual and popular meaning of person to person communication, shall include the furnishing, for a consideration, of services or facilities (whether owned or leased), or both, to persons in connection with the transmission of messages where such persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such persons to other persons, for the transmission of messages.

(E) *Effective date.* This section shall take effect after publication and the tax provided for herein shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for services billed on or after the 1st day of July, 1982.

(F) *Returns.*

(1) On or before the last day of October, 1982, each taxpayer shall make a return to the City Treasurer for the month of July, August and September, 1982, stating:

(a) His or her name;

(b) His or her principal place of business;

(c) His or her gross receipts during those months upon the basis of which the tax is imposed;

(d) Amount of tax;

(e) Such other reasonable and related information as the corporate authorities may require.

(2) On or before the last day of every third month thereafter, each taxpayer shall make a like return to the City Treasurer for a corresponding 3-months' period.

(3) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City Treasurer, the amount of tax herein imposed; provided that in connection with any return the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

(G) *Credit for tax paid but not due.* If it shall appear that an amount of tax has been paid which was not due under the provisions of this section, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this section from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than 3 years prior to the filing of a claim therefor shall be so credited.

(H) *Limitation on recovery action.* No action to recover any amount of tax due under the provisions of this section shall be commenced more than 3 years after the due date of such amount.

(I) *Electricity tax.*

(1) *Tax imposed.*

(a) A tax is imposed on all persons engaged in the following occupations or privileges: The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at the following rates, calculated on a monthly basis for each purchaser:

1. For the first 2,000 kilowatt-hours used or consumed in a month; 0.4221 cents per kilowatt-hour;

2. For the next 48,000 kilowatt-hours used or consumed in a month; 0.2768 cents per kilowatt-hour;

3. For the next 50,000 kilowatt-hours used or consumed in a month; 0.2491 cents per kilowatt-hour;

4. For the next 400,000 kilowatt-hours used or consumed in a month; 0.2422 cents per kilowatt-hour;

5. For the next 500,000 kilowatt-hours used or consumed in a month; 0.2353 cents per kilowatt-hour;

6. For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.2214 cents per kilowatt-hour;

7. For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.2180 cents per kilowatt-hour;

8. For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.2145 cents per kilowatt-hour;

9. For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.2110 cents per kilowatt-hour;

10. For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; 0.2076 cents per kilowatt-hour.

The tax rates set forth in the preceding table are proportional to the rates enumerated in ILCS Ch. 65, Act. 5, § 8-11-2 (as modified by Public Act 90-561), and do exceed the revenue that could have been collected during 1997, using the rates enumerated in ILCS Ch. 65, Act. 5, § 8-11-2 (as modified by Public Act 90-561).

(b) Pursuant to ILCS Ch. 65, Act. 5, § 8-11-2, the rates set forth in division (a) above shall be effective:

1. On August 1, 1998 for residential customers; and

2. On the earlier of the last bill issued prior to December 31, 2000, or the date of the first bill issued pursuant to ILCS Ch. 220, Act. 5, § 16-104, for nonresidential customers.

(2) *Exceptions.* None of the taxes authorized by this division (I) may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this division for those transactions that are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act authorized by § 8-11-1; nor shall any tax authorized by this division be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in business of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.

(3) *Additional taxes.* Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

(4) *Collection.* The tax authorized by this division (I) shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this division and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this division (4) shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this division (I).

(5) *Reports to municipality.*

(a) On or before the last day of each month, each taxpayer shall make a return to the City for the preceding month stating:

1. His or her name;
2. His or her principal place of business;

3. His or her gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed;

4. Amount of tax;

5. Such other reasonable and related information as the corporate authorities may require.

(b) The taxpayer making the return herein provided for shall, at the time of making such return, pay the city the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billing of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

(6) *Credit for over-payment.* If it shall appear that an amount of tax has been paid which was not due under the provisions of this division (I), whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this division from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than 3 years prior to the filing of a claim therefore shall be so credited. No action to recover any amount of tax due under the provisions of this division shall be commenced more than 3 years after the due date of such amount.

(Ord. 1026, passed 6-7-1982; Am. Ord. 1037, passed 11-22-1982; Am. Ord. 1426, passed 7-6-1993; Am. Ord. 1640, passed 6-29-1998)

#### **§ 34.55 SPECIAL TAX FOR GARBAGE.**

The maximum tax rate limit for special tax for garbage collection and disposal for the municipality shall be established at .20% of full, fair cash value of all taxable property in the municipality as ascertained, assessed, and set by law.

(Ord. 512, passed - -; Am. Ord. 794, passed 7-20-1970)

#### **§ 34.56 TAX FOR CHLORINATION OF SEWAGE.**

The city hereby does levy and collect annually a tax not to exceed .02% of the value of all taxable property within the municipality as equalized or assessed by the Department of Revenue for the specific purpose of paying the expenses of the chlorination of sewage or other means of disinfection or additional treatment as may be required by the water quality standards approved or adopted by the Illinois Sanitary Water Board.

(Ord. 770, passed 7-7-1969)

#### **§ 34.57 TAX FOR POLICE PENSION.**

The maximum tax rate limit for special tax for Police Pension for the municipality shall be established at .075% of full, fair cash value of all taxable property in the municipality as ascertained, assessed and set by law.

(Ord. 514, passed 12-3-1951; Am. Ord. 771, passed 7-7-1969)

#### **§ 34.99 PENALTY.**

(A) Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of § 34.49 except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than \$200 nor more than \$300 for the first



offense and not less than \$300 nor more than \$500 for the second and each subsequent offense in any 180-day period. A separate and distinct offense shall be regarded as committed each day upon which said period shall continue any such violation, or permit any such violation to exist after notification thereof. The purpose of imposing the above penalties is to insure the integrity of the collection process established pursuant to § 34.49.

(Ord. 1468, passed 7-18-1994)

(B) Any taxpayer who fails to make a return, or who makes a fraudulent return, or who wilfully violates any other provision of § 34.54, except as provided in division (C) below, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500 and in addition shall be liable in a civil action for the amount of tax due.

(Ord. 1026, passed 6-7-1982)

(C) Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of § 34.54(I) is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$200 in addition, shall be liable in a civil action for the amount of tax due. (See ILCS Ch. 65, Act. 5, § 8-11-2)

(Ord. 1640, passed 6-29-1998)



## CHAPTER 35: EMPLOYEES

### Section

#### *Benefits for Full Time Employees*

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#### ***BENEFITS FOR FULL TIME EMPLOYEES***

##### **§ 35.01 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BASE PAY.** The employee's current pay less any premium pay.

**FISCAL YEAR.** The fiscal year beginning the first day of May and ending the thirtieth day of April.

**FULL TIME EMPLOYEE.** A person who is employed on a 12 month a year basis, working at least 30 hours per week, whether on an hourly wage or monthly salary.

**PART TIME EMPLOYEE.** All the persons employed by the city other than full time employees.

**SERVICE.** Being present for and performing the duties to which an officer or employee of the city has been assigned.

(Ord. 1143, passed 8-24-1987; Am. Ord. 1155, passed 10-5-1987)

##### **§ 35.02 HOLIDAYS GRANTED.**

###### *(A) Holidays designated.*

(1) Each full time city employee shall be entitled to 1 day of vacation on each of the following holidays which are hereby declared to be the official holidays of the city:

- (a) New Year's Day;
- (b) Good Friday;
- (c) Easter (police and fire);
- (d) Memorial Day;
- (e) July Fourth;
- (f) Labor Day;
- (g) Veteran's Day;

- (h) Thanksgiving Day;
- (i) Day after Thanksgiving;
- (j) Christmas Eve (December 24th);
- (k) Christmas Day.

(2) If the day of any holiday should be changed, the new date deemed a holiday, and a holiday falling on a Sunday shall be observed on the following Monday. In addition to the above holidays, all full time employees of the Police Department shall be entitled to 1 day of vacation for Easter Sunday, upon the same terms and conditions as all other holidays.

(B) *Compensation of holidays worked.* Each full time city employee, with the exception of fire truck drivers, who because of the nature of his or her duty and at the request of his or her supervisor, works on any holiday, shall be paid time and a half (12 hours) for the time worked and the 8 hours of holiday pay. Holiday pay for policemen shall be based upon the day shift premium. Compensation for fire truck drivers who work on any holiday shall be continued as it has been in the past.

(C) In addition to that which has been provided above herein regarding holidays, each city employee shall be granted 2 personal days per year, upon reasonable notice, with pay. Said personal days shall, however, not be accumulated from year to year. (Ord. 1143, passed 8-24-1987; Am. Ord. 1341, passed 8-3-1992)

### § 35.03 ANNUAL VACATION.

#### (A) *Annual vacation.*

(1) After 1 year of completed service – 1 week (5 working days);

(2) After 2 years of completed service – 2 weeks (10 working days);

(3) After 5 years of completed service – 3 weeks (15 working days);

(4) After 10 years of completed service – 4 weeks (20 working days);

(5) After 17 years of completed service – 5 weeks (25 working days);

(B) *Earning vacation.* Vacation shall be earned during the year prior to that in which they are taken. During the course of the first year of employment, a full time employee shall earn vacation time on a prorata basis. The date of hire shall determine when an employee earns an additional week of vacation. The additional vacation earned by an employee during an adjustment year shall be determined by dividing the number of working days from the employee's anniversary date to the end of the fiscal year by 260 times 5.

(Ord. 1143, passed 8-24-1987; Am. Ord. 1537, passed 7-17-1995)

### § 35.04 OVERTIME POLICY.

The following policy, in regard to overtime is declared to be the official policy of the city.

(A) The supervisors of the different departments shall not utilize a person for overtime, excepting something that is extraordinary, an emergency, or critically urgent; that is to be determined by the head of that department as to when a person shall be called out under these circumstances.

(B) All overtime hours shall be paid on the basis of 1½ times the base pay for hour, as computed from the monthly pay.

(C) Overtime shall be paid for all hours worked exceeding the regular scheduled 8 hours day in that day and over regular scheduled work week or work period in the case of employees of the Police Department and employees of the Fire Department.

(D) Full time employees in the Street and Water Departments, when called out for overtime, shall be paid a minimum of 2-hours' pay.  
(Ord. 1143, passed 8-24-1987)

#### **§ 35.05 FUNERAL LEAVE.**

(A) Employees may apply for and be granted 3-days' leave of absence with full pay for a death in the immediate family, namely: spouse, children, parents, brother, sister, grandparents, father-in-law, mother-in-law.

(B) Deaths other than those listed, 1 day will be granted for the funeral of son-in-law, daughter-in-law, brother-in-law, sister-in-law.  
(Ord. 1143, passed 8-24-1987; Am. Ord. 1537, passed 7-17-1995)

#### **§ 35.06 PERSONAL DAYS.**

Each employee shall have 4 personal days per year to be credited on May 1. New employees who are hired after May 1, shall be given credit for personal days at the rate of 1/2 day for each 2 months remaining in the fiscal year during which they were hired.  
(Ord. 1537, passed 7-17-1995)

#### **§ 35.07 UNION AGREEMENT.**

Nothing contained within this code herein shall affect any employee benefit rights as provided within any union agreement existing between the city and any group of employees, and to the extent that any provisions contained herein are inconsistent with any provisions contained within the union agreement, the provisions within the union agreement shall supercede the provisions of this Chapter 35.

### ***POLICIES***

#### **§ 35.20 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.**

(A) *Adoption of act.* The regulations of ILCS Ch. 5, Art. 430 § 5-15 and ILCS Ch. 5, Art. 430, §§ 10-10 through 10-40 of the State Officials and Employees Ethics Act, ILCS Ch. 5, Art. 430, §§ 1-1 *et seq.* (Act) are hereby adopted by reference and made applicable to the officers and employees of the city to the extent required by ILCS Ch. 5, Art. 430, § 70-5.

(B) *Soliciting or accepting gifts prohibited.* The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the city, is hereby prohibited.

(C) *Offering or making gifts prohibited.* The offering or making of gifts prohibited to be offered or made to an officer or employee of the city under the Act, is hereby prohibited.

(D) *Political activities.* The participation in political activities prohibited under the Act, by any officer or employee of the city, is hereby prohibited.

(E) *Definitions.* For purposes of this section, the terms **OFFICER** and **EMPLOYEE** shall be defined as set forth in ILCS Ch. 5, Art. 430, § 70-5(c).

(F) *Penalty.* The penalties for violations of this section shall be the same as those penalties set forth in ILCS Ch. 5, Art. 430, § 50-5 for similar violations of the Act.

(G) *Amendments to Act.* Any amendment to the Act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the city.

(H) *If Act declared unconstitutional in its entirety.* If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action by the Corporate Authorities of the city if the Act is found unconstitutional by the Illinois Supreme Court.

(I) *If Act declared unconstitutional in part.* If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the city.

(Ord. 1668, passed 6-28-1999; Am. Ord. 1840, passed 5-10-2004)

***Cross-reference:***

*For other ethics provisions, see § 34.25*

### **§ 35.21 DRUG-FREE WORKPLACE POLICY.**

In compliance with the Drug-Free Workplace Act of 1988, and ILCS Ch. 30, Act 580, it shall be the policy of the city as follows:

(A) The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on city premises or while conducting city business off of city premises, shall be absolutely prohibited. A violation of this policy will result in disciplinary action up to and including termination. In addition, other legal consequences may ensue.

(B) Employees must, as a condition of employment, abide by the terms of the above policy. In addition, employees must report any convictions under a criminal drug statute for violations occurring

on or off company premises while conducting company business. A report of conviction must be made within 5 days after the conviction.

(C) The city shall, within 10 days after receiving notice of an employee's conviction of a violation of a criminal drug statute, notify all contracting and grating authorities pursuant to the Act.

(D) Within the requisite number of days after receiving notice of an employee's conviction of a violation of a criminal drug statute, the city will take appropriate disciplinary action up to and including termination.

(E) Upon the adoption of this policy, each employee will be provided a copy of the same. A listing of drug counseling and rehabilitation programs in the city and/or county will be available upon request.

(Res. passed 11-22-1993)

### **§ 35.22 EQUAL EMPLOYMENT POLICY.**

(A) *Definition.* For the purpose of this section, the term **MINORITY** will refer to American Indians, Asians, Blacks, or Hispanics, or to such protected classes as youth, elderly, women, or developmentally disabled/handicapped individuals.

(B) *Laws to be enforced.* The City of LaSalle hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(1) Title VI of the Civil Rights Act of 1964 which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(2) Title VII of the Civil Rights Act of 1964 which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(3) Title IX of the Education Amendments of 1972 which prohibits discrimination in federally assisted education programs.

(4) The Equal Pay Act of 1963 which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(5) The Age Discrimination Act of 1967 which prohibits discrimination because of age against anyone between the ages of 40 and 65.

(6) Federal Executive Order 11246 which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(7) Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 C.F.R. 32 which prohibits any discrimination based on handicap.

(8) Section 167 of JTPA and the U.S. Regulations at 29 C.F.R. Parts 31 and 32, which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

(9) Chapter 68, Article I, Section 17-19 of the Illinois Constitution which prohibits discrimination based on race, color, creed, national ancestry, handicap, and sex in the hiring and promotion practices of any employer.

*(C) Non-discriminatory employment practices.*

The City of LaSalle will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

*(D) City contracts.*

(1) The City of LaSalle will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on sex, color, race, religion, age, developmentally disabled/handicap, national origin, political affiliation or belief.

(2) The City of LaSalle will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following Equal Opportunity Clause:

(a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment, without regard to their race, color, religion, sex, national origin or developmentally disability/handicap. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for

employment without regard to race, color, religion, sex, national origin, developmentally disability/handicap.

(c) In the event of the contractor's noncompliance with the Equal Opportunity clause or with any of the said rules, regulations, and orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government Contracts or Federally Assisted construction contracts.

(d) The contractor will include the provisions of this Equal Opportunity clause in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor so that such provisions will be binding upon each such subcontractor or vendor.

(E) *Outreach.* The City of LaSalle assures that it will actively provide non-discriminatory outreach, selection, and service to all individuals.

(F) *Hiring minorities.* Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the City of LaSalle as well as surrounding areas.

(G) *Accommodations for handicapped.* The City of LaSalle will provide accommodations to the best of its ability for developmentally disabled/handicapped employees contingent on budget and structural limitations.

(H) *Employees to adhere to policy.* All City of LaSalle employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out city program activities.

(I) *Mayor and Council to enforce.* The City of LaSalle designates the Mayor and City Council to carry out the EEO/AA plan.  
(Ord. 1292, passed 5-28-1991)

## § 35.23 SEXUAL HARASSMENT POLICY.

### (A) *General provisions.*

(1) The City of LaSalle is committed to maintaining a work environment that encourages and fosters appropriate conduct among colleagues and respect for individual values and sensibilities. Accordingly, the city's officers and administration are committed to enforcing its sexual harassment policy at all levels within the workplace and creating an environment free from discrimination of any kind, including sexual harassment.

(2) Sexual harassment, according to the Equal Employment Opportunity Commission and the Illinois Department of Human Rights, and for purposes of this policy, consists of unwelcome sexual advances, requests for sexual favors or other verbal or non-verbal or physical acts of a sexual or sex-based nature, where:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(b) An employment decision affecting an employee is based on that individual's acceptance or rejection of such conduct; or

(c) Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

(3) Sexual harassment can occur between men and women, or between members of the same gender. Such conduct is unlawful under Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of race, color, sex, age, religion or national origin.

(4) It is unlawful to retaliate in any way against anyone who has complained about sexual harassment or discrimination, whether that complaint relates to harassment of or discrimination against the individual submitting the complaint or against other individual.



(5) Sexual harassment affects the victim and other employees as well. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually-oriented acts or sex-based conduct have no legitimate business purpose. Where such conduct is directed by a supervisor (or someone in a management position) toward a subordinate, the former will be held to a higher standard of accountability because of the degree of control and influence he or she has or is perceived to have over the employment conditions and benefits of the subordinate.

(B) *Prohibited conduct.*

(1) Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact to physical contact. At times the offender may be unaware that his or her conduct is offensive or harassing to others. Examples of conduct which would be considered sexual harassment include:

(a) Persistent or repeated unwelcome flirting, pressure for dates, sexual comments or touching;

(b) Sexually suggestive jokes, gestures or sounds directed toward another or sexually oriented comments about another;

(c) Preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct; or the denial or threat of denial of employment, benefits or advancement for refusal to consent to sexual advances;

(d) The open display of sexually oriented pictures or posters offensive to others;

(e) Retaliation against an individual for reporting or complaining about sexually harassing conduct.

(2) All employees are encouraged to express displeasure at any conduct which might be

sexually harassing, to tell the individual engaging in the conduct that it is unwelcome, to report that conduct, and to use the complaint procedure set forth in this policy.

(C) *Complaint procedure.* While the city encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, the city also recognized that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, or even which such communication has occurred, the following steps should be taken to report a sexual harassment complaint.

(1) *Reporting of incident.* All employees are urged to report any suspected sexual harassment by another employee to the Mayor except where that person is the individual accused of harassment. In that case, the complaint should be reported to the Superintendent of Public Works. If the aggrieved employee or other complainant prefers to report the suspected harassment to someone of the opposite gender from that of the Mayor, the complaint can be reported to the City Clerk. The report may be made initially either orally or in writing, but reports made orally must be reduced to writing before an investigation can be initiated.

(2) *Investigation of complaint.* When a complaint has been reduced to writing, the Mayor or the individual informed pursuant to division (C)(1) above will initiate an investigation of the suspected sexual harassment within 5 working days of notification. If necessary, the Mayor may designate another supervisory or management employee of the opposite sex to assist him or her or the alternate individual in division (C)(1) in the investigation. If the Mayor is the subject of the investigation, the investigation will be conducted by the Superintendent of Public Works. The investigation will include an interview with the employee(s) who made the initial report, the person(s) towards whom the suspected harassment was directed if such person(s) is someone

other than the complainant, and the individual(s) accused of the harassment. Any other person who may have information regarding the alleged sexual harassment may also be interviewed.

(3) *Report.* The Mayor or designated person responsible for investigating the complaint shall prepare a written report within 10 working days from notification of the suspected harassment unless extenuating circumstances prevent him or her from doing so, in which case the report shall be prepared as promptly as possible and the complainant shall be notified as to the reason for the delay. The report shall include a finding that sexual harassment occurred, sexual harassment did not occur, or there is the inconclusive evidence as to whether sexual harassment occurred. A copy of the report will be given to the employee(s) who made the initial report, the employee(s) to whom the suspected harassment was directed, and the employee(s) suspected of the harassment.

(4) *Records/confidentiality.* Employees who report incidents of sexual harassment are encouraged to keep written notes in order to accurately record the offensive conduct. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the city advises that records it maintains and the complainant maintains may not be considered privileged from disclosure. Written records will be maintained for 5 years from the date of the resolution unless new circumstances dictate that the file should be kept for a longer period of time.

(5) *Appeals process.* If either party directly involved in a sexual harassment investigation is dissatisfied within the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit his or her written comments in a timely manner to the City Council of the City of LaSalle.

(D) *Disciplines/sanctions.*

(1) Disciplinary action will be taken against any employee found to have engaged in sexual harassment of any other employee. The extent of

sanctions may depend in part upon the length and conditions of employment of the particular employee and the nature of the offense. The city has the right to apply any sanction or combination of sanctions, up to and including discharge, to deal with the unreasonable conduct or discrimination.

(2) Where a hostile work environment has been found to exist, the city will take all reasonable steps to eliminate the conduct creating such an environment.

(E) *Legal rights under law.* Any employee who believes he or she has been subjected to sexual harassment has the right to file a complaint with the Illinois Department of Human Rights, 100 West Randolph Street, Chicago, Illinois 60601; (312) 814-6245 and/or the Equal Employment Opportunity Commission, 500 West Madison, Suite 2800, Chicago, Illinois 60661; (312) 353-2713. The Illinois Human Rights Act (ILCS Ch. 775, Act 5) provides that complaints of harassment must be filed within 180 days of the alleged incident. A complaint with the EEOC must be filed within 300 days of the alleged incident. It is also a violation of ILCS Ch. 775, Act 5, § 6-101 (Section 6-101 of the Illinois Human Rights Act) to retaliate against an employee for opposing or complaining about conduct believed to be a violation of the Act.

(F) The city reserves the right to amend the policy from time to time.  
(Ord. 2187, passed 7-27-2009)

## CHAPTER 36: CITY POLICY

### Section

- 36.01 Prevailing rate of wages
- 36.02 Redevelopment incentive policy
- 36.03 Homeland security
- 36.04 Open meetings
- 36.05 Illinois Freedom of Information Act
- 36.06 Prisoner medical services

City of LaSalle to the extent required by the aforesaid Act.

(C) The city shall publicly post or keep available for inspection by any interested party in the main office of the City of LaSalle, this determination or any revisions of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

### § 36.01 PREVAILING RATE OF WAGES.

(A) To the extent as required by An Act regulating wages of laborers, mechanics and other workers employed in any public works by State, County or City or any public body or any political subdivision or by anyone under contract for public works, approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the City of LaSalle, is hereby ascertained to be the same as the prevailing rate of wages for construction work in LaSalle County area as determined by the Department of Labor of the State of Illinois as of July 1, 2011, a copy of that determination being attached to Ordinance 2280 and incorporated herein by reference. As required by said Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department's June determination and apply to any and all public works construction undertaken by the city. The definition of any terms appearing in this section which are also used in aforesaid Act shall be the same as in said Act.

(B) Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the

(D) The city shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

(Ord. 990, passed 6-23-1980; Am. Ord. 1736, passed 6-11-2001; Am. Ord. 1768, passed 6-10-2002; Am. Ord. 1964, passed 6-19-06; Am. Ord. 2083, passed 6-4-2007; Am. Ord. 2131, passed 6-28-2008; Am. Ord. 2175, passed 6-15-2009; Am. Ord. 2230, passed 6-1-2010; Am. Ord. 2280, passed 6-13-2011)

### § 36.02 REDEVELOPMENT INCENTIVE POLICY.

(A) The City Council does hereby establish the Redevelopment Incentive Program Policy attached to Ordinance 1720 as Exhibit A, and the same is hereby approved.

(B) The City Clerk is hereby directed to distribute this policy to the City Engineer, the Mayor, and such other city officials as may be appropriate in the circumstance.

(C) This ordinance shall be in effect from and after its passage, approval and publication (if necessary) according to law.

(D) This policy may be amended from time to time by further resolution and/or ordinance of the City Council.

(Ord. 1720, passed 10-2-2000)

### § 36.03 HOMELAND SECURITY.

The city adopts the National Incident Management System (NIMS) as its system of preparing for and responding to disaster incidents. (Res. 200407, passed 9-27-2004)

### § 36.04 OPEN MEETINGS.

(A) *Definition of meeting.* The term **MEETING** as used in any existing city resolutions, ordinances or rules shall be defined to mean any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of a quorum of the members of a public body for the purposes of discussing public business or such other definition as shall be contained within the state statutes.

(B) *Amendment of previous terms.* The definition of **MEETING**, set forth in division (A) of this section, shall supersede and replace any other definition used in any previous or existing ordinance, resolution or policy.

(C) *Remote participation policy.* The city hereby adopts the Remote Participation Policy, attached to Ordinance Number 2049, passed January 2, 2007, that permits a member of the public body to attend and participate in any meeting of a public body as defined in the Open Meetings Act from a remote location via telephone, video or internet connection provided that such attendance and participation is in

compliance with the policy and any applicable laws, 4 times per calendar year per member. (Ord. 2049, passed 1-2-2007)

### § 36.05 ILLINOIS FREEDOM OF INFORMATION ACT.

(A) The City Clerk is hereby designated as the person to whom all initial requests for access to the records of the city are to be referred. Such requests are to be made at the offices of the city at 745 Second Street, LaSalle, Illinois, between the hours of 9:30 a.m. and 2:30 p.m., Monday through Friday. In the event that the City Clerk is not available during the times described above, the Deputy City Clerk is designated as the person to whom such initial requests are to be made.

(B) Any records which are the subject of a request under the Freedom of Information Act shall be retrieved from such place as they are stored, by the City Clerk or the Deputy City Clerk, or by an employee of the city acting under the direction of the City Clerk or Deputy City Clerk. In no event shall records be retrieved by the party requesting them or by any person not employed by the city.

(C) If copies of records are requested, the fees for such copies, whether certified or not, shall be determined from time to time by the City Clerk, subject to the limitations contained in the Illinois Freedom of Information Act (ILCS Ch. 5, Act 140) as amended from time to time and Public Act 96-452. The City Clerk shall maintain a written schedule of current fees in the Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the costs of certifying copies, if certification is requested.

(D) In the event a request to inspect city records is denied by the City Clerk or the Deputy City Clerk, the city shall provide the requester written notice of his or her right to appeal to the Public Access Counselor with the name and phone number together with the basis for the denial.

(E) The City Clerk shall prepare (i) a city information directory; (ii) a block diagram of the functional subdivision of the city; (iii) a city records directory; and (iv) a records catalogue in compliance with law and within a reasonable time.

(Ord. 2223, passed 5-3-2010)

**§ 36.06 PRISONER MEDICAL SERVICES.**

If, and only if, the city is found to be legally required to pay for medical services for a person under the custodial arrest of the city, the reimbursement for private hospitals, physicians, or other groups or agencies providing medical services to such person shall be the rates otherwise charged to the Illinois Department of Healthcare and Family Services, which rates shall be determined by the Chief of Police of the city in consultation with the Illinois Department of Healthcare and Family Services. Additionally, any payment made by the city shall be with full reservation in and by the city to all rights of reimbursement and/or repayment to the city as allowed and/or otherwise available by law, including, but not being limited to, the provisions of ILCS Ch. 730, Act 125, § 17.

(Ord. 2240, passed 8-23-2010)

